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## CONGRESSIONAL RECORD — SENATE

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talk and continue to negotiate, then there has not been failure.

The President has kept the negotiations moving. While we all would like to see an immediate treaty, I have not labored under any illusions, and I hope that most Americans have not suffered illusions in this regard. It is a long process. We should realize, from the years of pain and suffering and strife and bloodshed, that it is a thorny, difficult, profoundly complex matter, and that it will take time.

During my own conversations with Middle Eastern leaders last year, I learned first hand how infinitely complex and difficult diplomatic negotiations on the conflicts in that area are, and how imperative it is that such negotiations be pursued with patience and tenacity. President Carter could well have departed from his meetings with President Sadat and Prime Minister Begin with some kind of instant limited agreements on peripheral issues, and the impression would have been imparted that great success had been realized. However, the mettle of such agreements would have become evident to all when the pressures of the real conflict began to build once again.

President Carter understands the nature and the complexity of the challenge that he has accepted in the Middle East, I believe, and I commend him.

I appreciate the fine spirit that has been exemplified on the floor just now by the minority leader and by the distinguished Senator from Arizona, as they, too, have commented on the dedication that President Carter has demonstrated in his efforts for peace.

The tragic and chronic confrontation in the Middle East has lasted for more than three decades. Moreover, it has consumed the careers of dozens of diplomats from many nations, and the lives of thousands of soldiers and civilians Arab and Israeli alike. Already, in just a little more than 2 years in office, President Carter has accomplished more toward bringing peace to the Middle East than any of his predecessors, in spite of all their commendable efforts.

I congratulate President Carter on his efforts as he returns from Egypt and Israel today, and I encourage him to continue to exert his efforts and use his influence to achieve the peace that all men of good will around the world hope will come eventually to the Middle East. Not only will our generation give him its thanks, but all future generations will be indebted to him for this effort.

## ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, does any Senator wish me to yield time from the time allotted to me?

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes, under the previous order.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M.  
TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 5 minutes each.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## TAIWAN ENABLING ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, S. 245, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 245) to promote the foreign policy of the United States through the maintenance of commercial, cultural, and other relations with the people of Taiwan on an unofficial basis, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 100

Mr. DOLE. Mr. President, I understand the parliamentary situation to be that each side has 5 minutes, the yeas and nays have been ordered, and a motion to lay on the table has been made: is that correct?

The PRESIDING OFFICER. If the Senator's preceding question is on amendment 100 of the Senator from Kansas, on which there is a limitation of 5 minutes of debate for each side, the Senator is correct. The yeas and nays have been ordered on the motion to lay on the table.

Mr. DOLE. Mr. President, I would just say very quickly that I think the issue is not particularly complicated. It may be controversial, but it is certainly not complicated. It is just a question of whether or not we want the Senate to have any voice in confirming, advising, and consenting on the director of the institute. We have simply provided that our American Institute—

shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate and who shall hold such appointment for a period of not to exceed two years.

Mr. President, my amendment concerns the question of Senate responsibility and the Senate's obligation to the American people and to the Constitution. I believe it is vital that the Senate have a provision for passing on the qualifications of the director of the American Institute on Taiwan. This amendment creates such an official avenue and safeguards the principles of advise and consent set forth in the Constitution.

I am not asking for official recognition of Taiwan by this amendment. I am only urging the Senate to have the opportunity to pass on the worthiness and judgment and ability of the person who will be the instrument of the United States. The institute will be carrying out U.S. foreign policy. On some occasions the director of the institute may even be placed in the position of initiating policy and actions that will affect U.S. strategic interests.

Again, let me state that it is not my intention to upset the balance my distinguished colleagues on the Foreign Relations Committee have carefully worked out, nor to destroy the delicate understanding upon which our normalization with the mainland rests. I am in favor of the normalization process when properly carried out. We have much to gain, in a closer relationship with Peking.

My concern here, however, is with the constitutional responsibility of the Senate. It seems to me that this bill, as it stands now, is asking the Senate to ignore some of that responsibility which we in the Senate now have to advise and consent to certain actions by the executive department.

As my distinguished colleague on the Foreign Relations Committee remarked yesterday, various elements of the executive department will be performing oversight functions in regard to the Institute, including the Comptroller-General. U.S. taxes are going to be channeled into the Institute to provide its operating funds. These facts only further indicate, the legitimate need for the Senate also to fulfill its oversight responsibilities.

Now it is certainly true that the relationship we are implementing in this legislation with Taipei is unprecedented. We cannot, therefore, lightly address the

# Senate

TUESDAY, MARCH 13, 1979

(Legislative day of Thursday, February 22, 1979)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

O Lord our God, in whom we live and move and have our being, we know not what any day may bring. Only this, we know that every day is judgment day. Thou dost judge us in the moment of action and in the grand climax of history. Thou dost judge us for what we are and what we do. Thou dost judge the way we work, the way we think, the way we speak, the way we vote, the way we play, the way we pray. Thou dost judge us according to the love we show and the help we bring. Judge us then according to Thy loving kindness for "Thy judgments are true and righteous altogether."

Let the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord our strength and our Redeemer. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., March 13, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair.

WARREN G. MAGNUSON,  
President pro tempore.

Mr. ROBERT C. BYRD thereupon resumed the chair as Acting President pro tempore.

## RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The minority leader, the Senator from Tennessee (Mr. BAKER) is recognized.

## THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate to date be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SPECIAL ORDER

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized under the standing order.

Mr. BAKER. Mr. President, I thank the Chair.

I have no immediate need for my time under the standing order and I yield 5 minutes to the distinguished Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona (Mr. GOLDWATER) is recognized for up to 5 minutes.

Mr. GOLDWATER. I thank my friend from Tennessee for his usual courtesy.

(The remarks of Mr. GOLDWATER at this point in connection with the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

Mr. STEWART assumed the chair.

## PRESIDENT CARTER'S PEACEMAKING EFFORTS IN THE MIDDLE EAST

Mr. GOLDWATER. Mr. President, I doubt that there is any one person in this country, or maybe the world, who has been more critical of President Carter in the field of foreign policy than have I.

I do not want anyone to think for one moment that by what I am going to say this morning I have suddenly changed my spots and will wake up on the other side of the bed.

I think that with the news we all read and heard and saw last night, with the news we all read and heard and saw this morning, it is rather evident that the peace President Carter went to the Middle East to try to achieve is not going to be achieved.

I am not one American, nor particularly one Republican, who is going to chastise President Carter for making this effort. I believe it took a great deal of courage. I think his performance over there was in keeping with his style of being forthright, even though we do not agree with him.

I would like to see him receive the accolade in this field that I think he deserves, and I urge my friends who are running for office at any level not to make of this Mideastern trip a political subject but, rather, to recognize that in this effort he has joined other Americans who served us as President, who showed courage in acting even though their actions were not fruitful.

So, Mr. President, I merely am offering

these words as a man who is highly critical of this administration but as one who feels that the President does deserve a pat on the back for this trip, because we all have to admire a little guts.

Mr. BAKER. Mr. President, I join the distinguished Senator from Arizona in his remarks.

I think it would not be unseemly of me to remind our colleagues that before the President went, I said from this place on this floor that I thought it was a risk worth taking, and I still think so.

I do not know what the final result of the President's efforts will be or what will happen in the remaining hours before he returns to the United States, but it was a risk worth taking. From the appearances that generate from newspaper and television accounts that we have seen, I believe that some progress has been made.

I admire the President for his efforts in this matter, and I join the distinguished Senator from Arizona in his remarks and in his evaluation.

## PRESIDENT CARTER'S LATEST EFFORTS ON BEHALF OF PEACE

Mr. ROBERT C. BYRD. Mr. President, President Carter flew to Cairo and Jerusalem last week in the latest phase of his ongoing efforts to achieve a permanent peace between Egypt and Israel. In spite of the fact that advisers closest to the President warned prior to this mission that Mr. Carter did not expect to return with a treaty, some observers are already pronouncing that this most recent effort is a failure, and they are predicting the direst consequences for the hopes of peace in the Middle East.

I share with the distinguished Senator from Arizona (Mr. GOLDWATER) and with Mr. BAKER, the distinguished minority leader, the compliments they have stated here publicly for the President's efforts. To have done nothing would have justified criticism.

As I view it, the President's efforts may have brought the parties closer together. I have no way of knowing yet what the results are or what has been achieved. In any event, they have kept the negotiations moving forward; and even though a treaty may not be achieved immediately, I am not about to say that the President's efforts have been in vain.

Both of the parties in the Middle East—these are the people who would be the victims of failure—will pay the immediate price of failure, if and when there is failure. But as long as there is flexibility and as long as leaders on both sides of the question are willing to

○ This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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manner in which this relationship will be carried out. We are setting a precedent here today. And we should not make an ill-advised precedent for a short-term and purely political expediency. Once the director of this nongovernmental institute is appointed, he will not be subject to our direct control. It is necessary for us to have an opportunity to judge the worthiness of this unofficial official, before he is granted such unconditional scope for action.

Mr. President, that is the issue. I understand the questions being raised. One question raised is that Senate confirmation would destroy the nongovernmental character of the Institute. I believe it does not. If the Secretary of State, acting for the President, has the authority to appoint this individual without giving an air of officiality to the proceeding, then surely the Senate can merely inspect the candidate for merit without doing the same. It is my understanding that the Senate must advise and consent to the directors of the corporation for public broadcasting, yet that body remains a nongovernmental corporation.

We have all the questions raised as to why Congress does not pay more heed to what goes on in our so-called foreign policy. It seems to me that this is an opportunity to know one little thing. It does not shake the balance, or destroy that delicate balance worked out by the committee.

I would like to say again that I support closer ties with Peking in the hope that they will lead to a better understanding between our countries. Normalization may lead to greater chances for peace and economic prosperity. The United States under the Carter administration has gone a long way, has bent over backwards—perhaps too far—to accommodate the People's Republic on the issue of Taiwan.

I just left a meeting with Secretary Bergland, where we discussed an increase in agricultural trade with the People's Republic of China. It is a growing market, and with more chance for communication, it seems to me we will not offend the People's Republic of China and we will not give a cloak of officiality to the institute; we will simply preserve the right we should have in the Senate to pass on the qualifications of the director.

The question of congressional oversight is a greater responsibility for us than this transitory problem of Taiwan. I do not believe it is in the best interest of the United States to make this temporary accommodation to suit the requirements of the current regime in Peking.

It is as simple as that. On that basis, I hope the amendment will be supported by my colleagues. I reserve the remainder of my time.

Mr. BIDEN. Mr. President, our distinguished colleague from Kansas indicated it was not his intention to upset the delicate balance arrived at in the Foreign Relations Committee; but I would respectfully suggest that is what this amendment would do.

As the Senator from Kansas knows, the

nuances in this legislation are probably more important than in most actions we have taken on the floor of the Senate.

(Mr. TSONGAS assumed the chair.)

Mr. BIDEN. I have just a few brief comments I would like to make. The Senator from Kansas indicates that he is merely asking that the Institute be headed by a director appointed by the President with the advice and consent of the U.S. Senate. I suggest that that does complicate this Institute and raise it to a level that is not contemplated in the initial agreement with the People's Republic.

The amendment is, I believe, also inconsistent with normalization. Our ability to have diplomatic relations with PRC and simultaneously maintain commercial, cultural, and other relations with the people on Taiwan depends on the latter relations being conducted on an unofficial basis. The American Institute in Taiwan was established under District of Columbia nonprofit corporation law as a private corporation precisely to avoid the appearance of officiality that this amendment, I believe, would create.

The appointment of a director of the AIT through the procedures specified in the Constitution for appointing officers of the United States would, I think, be disruptive to the delicate set of relationships this legislation is intended to promote.

Second, Mr. President, I think this amendment is unnecessary. Congressional oversight over the operation and management of the Institute is assured, I believe, in the present bill. In reflection of this amendment, I hope the Senator will turn to page 20 of the bill, title III. He will see that the committee spent a good deal of time dealing with that particular aspect of relationship.

We also have, and I would like to submit it for the RECORD, a letter to the chairman of the Foreign Relations Committee from the Secretary of State. I will not trouble the Senate with reading the entire submission. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,  
Washington, D.C., February 23, 1979.  
Hon. FRANK CHURCH,  
Chairman, Committee on Foreign Relations,  
U.S. Senate.

DEAR MR. CHAIRMAN. As you know, under the articles of incorporation and bylaws of the American Institute in Taiwan, the Secretary of State appoints and removes the trustees of the institute.

Because the Institute is not an agency or instrumentality of the Government, and because its trustees are not officers of the United States, it would not be appropriate for the Senate to advise and consent to the appointment of trustees or officers. However, the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee or officer, we will undertake to discuss and resolve the matter fully with the Committee before proceeding.

This arrangement will enable the Institute to retain its character as a private corpora-

tion and enable the Senate to participate in the selection of trustees in an appropriate manner.

Sincerely,

CYRUS VANCE.

Mr. BIDEN: It says in part:

However, the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee or officer, we will undertake to discuss and resolve the matter fully with the Committee before proceeding.

Mr. President, I think the proposed amendment is unnecessary to accomplish the goals for which it was ostensibly introduced in the first instance, and I think it would run serious risk of upsetting the delicate balance which we are attempting to achieve here through our legislation.

I fully concur with the Senator from Kansas when he says that the normalization process is useful and in our own self-interest for many of the reasons that he cited. I again respectfully suggest that passage of this amendment will put in jeopardy the very end that the Senator from Kansas is seeking.

I would also conclude by saying that if the Senator from Kansas is successful in his quest, he may find that he, in practice, prefers the arrangement proposed by the committee.

So for a number of reasons, both personal, practical, and official, I suggest that the Senator from Kansas is ill-advised in moving the amendment.

Assuming the Senator from Kansas is willing to yield back the remainder of his time, I am willing to yield back the remainder of my time. I move at this time to table the amendment, if that is agreeable to the Senator.

Mr. DOLE. That is not what I have in mind.

Mr. BIDEN. I yield to the Senator from West Virginia, the distinguished majority leader.

THE PRESIDING OFFICER. The Chair will advise the Senator from Delaware that he has 20 seconds remaining and the Senator from Kansas has a minute-and-a-half remaining.

Mr. BIDEN. I suggest the absence of a quorum.

THE PRESIDING OFFICER. There is not sufficient time for a rollcall. The request is out of order.

Mr. BIDEN. Then I suggest I keep speaking so the Senate is not out of order. Then I will yield for the minute-and-a-half to the Senator from Kansas. I do not really have much more to say, especially in 20 seconds. I have difficulty saying my name in 20 seconds. [Laughter.]

THE PRESIDING OFFICER. The Senator's time has just expired. The Senator from Kansas has a minute-and-a-half.

Mr. DOLE. I have no desire to use that time, Mr. President. I would be happy to yield to the distinguished majority and minority leaders.

## MIDEAST PEACE NEGOTIATIONS

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

The President of the United States just called me from Air Force 1 to say that he had talked again with President Sadat, and President Sadat has agreed to the proposals that have been discussed. The President did not go into any details as to what the proposals are or have been. But he said that Mr. Sadat has agreed to them; that Mr. Begin is going to submit those to his cabinet shortly and to the Knesset; that hopefully the Israel Cabinet and the Knesset will agree to the remaining issues, and that a treaty may result.

That was the sum and substance of what the President had to say to me.

The distinguished minority leader received a call. I yield at this point to the minority leader for any comment he may have.

Mr. BAKER. I thank the distinguished majority leader.

Mr. President, the Vice President of the United States called me a little while ago to say that the President had requested that I be notified. It appeared that an agreement had been reached for submission, as I understood it, to the Parliament of Egypt and to the Knesset in Israel. My information coincides exactly with that described by the distinguished majority leader.

I would only add that I am pleased and relieved. I think the President took a risk that was worth taking. I am hopeful now that these other negotiations and considerations by the governing authorities of each country will result in a peace treaty.

Early on I commended the President of the United States for his initiative in undertaking this trip. I think the indications are now that the result may be favorable. I join with him and with the majority leader in our statement of pleasure at that result.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

Mr. President, it is hoped, following what the minority leader has stated, that impending developments will result in a favorable action. My understanding is that President Sadat has agreed with all of the matters at issue. Again, I am not aware of all the details.

I can see, I think, the difference in the positions of Mr. Begin and Mr. Sadat. I have had the impression that Mr. Sadat, in a little better position within his country to authorize and to give approval to proposals which Mr. Begin alone might not be equally able to do within his country.

I am hopeful that the Israeli Cabinet and the Knesset will add their stamps of approval.

It seems, Mr. President, based on these conversations that the distinguished minority leader and I have had with the Vice President and the President respectively, that things are looking up and that the hoped-for agreement may yet be achieved. Let us hope this will be the result.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERT C. BYRD. I thank the distinguished Presiding Officer. I ask that the time that he has so graciously allowed us to proceed to use be charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAIWAN ENABLING ACT

The Senate continued with the consideration of S. 245.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I move to table the Dole amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now is on agreeing to the motion by the Senator from Idaho to lay on the table the amendment of the Senator from Kansas. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from Florida (Mr. CHILES), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

Mr. BAKER. I announce that the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The PRESIDING OFFICER. Has every Senator had a chance to vote?

The result was announced—yeas 54, nays 38, as follows:

[Rollcall Vote No. 15 Leg.]

#### YEAS—54

Baucus	Heflin	Nelson
Bayh	Huddleston	Nunn
Bentsen	Inouye	Pell
Biden	Jackson	Percy
Bradley	Javits	Pryor
Bumpers	Johnston	Randolph
Burdick	Kassebaum	Riegle
Byrd, Robert C.	Kennedy	Sarbanes
Cannon	Leahy	Sasser
Chafee	Levin	Stafford
Church	Long	Stennis
Cranston	Magnuson	Stevenson
Culver	McGovern	Stewart
Danforth	Melcher	Talmadge
Eagleton	Metzenbaum	Tsongas
Ford	Morgan	Welcker
Glenn	Moynihan	Williams
Hart	Muskie	Zorinsky

#### NAYS—38

Armstrong	Garn	McClure
Baker	Goldwater	Packwood
Bellmon	Hatch	Pressler
Boschwitz	Hatfield	Proxmire
Byrd	Hayakawa	Roth
Harry F., Jr.	Helms	Schmitt
Cochran	Holmes	Schwelker
Cohen	Hollings	Simpson
DeConcini	Humphrey	Stone
Dole	Jepsen	Tower
Domenici	Laxalt	Wallop
Durenberger	Lugar	Warner
Exon	Mathias	Young

#### NOT VOTING—8

Boren	Gravel	Stevens
Chiles	Matsunaga	Thurmond
Durkin	Ribicoff	

So the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 101 (AS MODIFIED)

The PRESIDING OFFICER (Mr. PRYOR). Under the previous order, the Senate will now proceed to the consideration of amendment No. 101, offered by the Senator from New Hampshire, with 1 hour of debate.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 101.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, I have a technical correction to my amendment which I send to the desk, and I ask unanimous consent that it be accepted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The modified amendment is as follows:

On page 23 after "Sec. 501", and before "This Act shall have taken effect on January 1, 1979" insert the following: "Contingent upon the President of the United States securing written assurances from the People's Republic of China that the People's Republic of China will not undertake military operations of any nature against the people of Taiwan."

Mr. HUMPHREY. Mr. President, I believe that S. 245 will be vastly improved by my amendment. It would make the effective date of this law January 1, 1979, if approved by Congress, contingent upon the President's securing from the People's Republic of China written assurances that the People's Republic of China will not engage in military activities against the Republic of Taiwan. I believe that the bill would be improved vastly; and I think it goes without saying that the security of the Republic of Taiwan, the security of the people of Taiwan, would be improved vastly.

I believe it is quite possible that the People's Republic of China would agree

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to give those concessions. I think the People's Republic of China has a great deal more to gain from improved and formal relations with the United States than the United States has.

It is highly unfortunate that in his negotiations with the People's Republic of China, President Carter and his people failed to press for such an assurance. In fact, it came out during the hearings of the Foreign Relations Committee not only that the President did not press for such assurances, but also, that he never even bothered to ask for them, which is a shocking revelation, in my opinion.

There are those who will say that my amendment works against the best interests of the people on Taiwan. I point out that today, at this moment, we have neither an ambassador nor an embassy in Taiwan; at the same time, neither do we have the so-called American Institute. We are in a hiatus. Yet, the people on Taiwan remain free, they remain prosperous, our American investments in Taiwan remain secure, and the mutual agreements between this country and the ROC remain in force. So, should the Senate decide, in its wisdom, to approve this amendment, we would not be creating any further vacuum than exists at this moment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, it would be ruinous to adopt this amendment.

The whole purpose of this bill is to establish a basis whereby the United States can continue to maintain its relations with the people on Taiwan. The whole purpose of this bill is to serve the needs of that relationship. The commercial aspects, the cultural aspects, and our concern for the future security of the people on Taiwan are embraced in this bill.

Why is it necessary to bring this bill to the Senate in the first place? The answer to that question is known to Senators. We are faced with a unique condition. There are two Governments that continue to maintain that each is the Government of China. Both Governments agree that there is but one China, and that Taiwan is a part of it. That is not only an assertion of Peking; that is also an assertion of Taipei. The choice before the United States is, which of these Governments shall we recognize officially?

Obviously, the circumstances do not permit that we recognize both. The President of the United States has found the resolution to put aside 30 years of self-deception and to acknowledge that the People's Republic of China does in fact constitute the Government of China and the seat of that government is in Peking. It exercises effective jurisdiction over a billion human beings, who comprise one-fourth of the human race.

If this amendment were to be adopted we would be saying that everything contained in this bill that benefits Taiwan is made contingent upon some future written guarantee furnished us by the government in Peking that there never

will be an armed attack upon the island of Taiwan.

Mr. President, Senators appreciate that when both the Chinese on Taiwan and the Chinese on the mainland regard the resolution of the Taiwan issue as an internal question, a Chinese question, there is no possibility of ever obtaining such written assurance. Thus, the adoption of this amendment effectively kills the bill through which we will otherwise be able to maintain all of our existing relations with the people on Taiwan on an unofficial basis. If Senators want to kill the bill, this is the way to do it.

I certainly have confidence that the Senate will show more mature judgment than to act favorably upon this amendment.

Mr. STONE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Florida.

Mr. STONE. As a vigorous supporter of the Republic of China on Taiwan and one who in the committee worked as hard as possible to strengthen our relationships with the Republic of China on Taiwan, I believe that to adopt this amendment would not be in the interests of the Republic of China on Taiwan. We have a gap. We have a hiatus which we are now engaged in and we are doing our best to live through it. If this bill becomes law in the next few days, as it can, then our tremendous trade relations with the Republic of China on Taiwan, which exceeds \$7 billion a year, can and will go on and even improve. And I think there could come a day in which stronger, more governmentally based relations with the Republic of China on Taiwan, could again take place.

At this moment, though, the best we can do for our relationship with them is to pass this bill which is far different than the bill initially presented to the Foreign Relations Committee. This bill has been strengthened in so many ways that it really does the job.

And I think that we should oppose this amendment as well-meaning as I am sure the Senator from New Hampshire is in this regard. He does want to help the Republic of China on Taiwan, as does the Senator from Florida. But I think that it is very, very important now to get on with this bill, which has strong definitions, strong property rights, and strong standing in court for our friends on Taiwan, and let us get on with it and pass this bill very quickly, because otherwise our friends could suffer substantially and that is not appropriate.

I think I should also say one other thing. This bill also has not merely a commitment to supply appropriate defensive weapons to Taiwan, but at my suggestion the Senator from Idaho and the Senator from New York incorporated the concept of a sufficiency of weapons, enough weapons so that they can defend themselves successfully.

Under those circumstances, and with what this bill now represents, and particularly after the amendment of yesterday, what this bill represents in every way, I really believe that it is time for us rapidly to pass this bill, send it to the President, and let us get on with our very

good and we hope steady and improving relations with our friends on Taiwan.

Mr. CHURCH. I thank the Senator very much for his statement. I wish to add to it that the hiatus he refers to is one that should be of concern to us. It is one that should spur us on not only to enact this bill, but to reject any amendment that would put the effective date into the indefinite future, because there is nervousness right now about the hiatus to which the Senator from Florida has referred. I am informed that some Taiwanese banks and business firms have already withdrawn several hundred million dollars in funds because of the uncertainties about when this bill will take effect.

To prolong those uncertainties would, of course, simply aggravate the problem and doubtlessly result in massive withdrawals of Taiwanese funds from American banks.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I join in opposition to the amendment for all the reasons spelled out so succinctly by the distinguished Senator from Idaho and the distinguished Senator from Florida.

I add that I applaud the work that they and Senator JAVITS, Senator STONE, Senator GLENN, and others have done in the Chamber in handling this measure so very, very effectively.

An amendment like this one, like several others that have been proposed, would destroy our efforts to develop a meaningful substantive relationship with the People's Republic of China.

I make plain that I support the Taiwan Enabling Act as reported by the Foreign Relations Committee and with the perfecting amendments that have been adopted to date. I have long been a proponent for U.S. diplomatic recognition of the People's Republic of China. It is in the interest of the United States, the most powerful country in the world, to establish a viable working relationship with the People's Republic of China, the most populous country in the world.

I do not see how we can be expected to deal with many worldwide problems of vast importance that are of vast significance to the people of our country if we are unable to talk in any direct and meaningful fashion with the People's Republic of China when we take into account how many people on the face of this world that Government represents.

Our two countries have very different systems and values. Yet, we also have many common interests. Our mutual concerns can now be discussed in an atmosphere conducive for resolution of our common problems. The recent agreement for the settlement of frozen assets is an example. But more important, the cooperation and participation of China are crucial in our search for solutions to such global issues as food, population, energy, and arms control.

At the same time, I am an advocate of continuing our commercial, educa-

tional, cultural, and scientific relations with the people of Taiwan. The United States and Taiwan have enjoyed a long and valued friendship and it is in our mutual interest to continue these good relations. While we nurture a new friendship, we cannot and should not forget our old ones.

I believe the Senate Foreign Relations Committee should be commended for the excellent job it has done in putting together the Taiwan Enabling Act, S. 245. This bill clarifies much of that which the administration implied but left ambiguous. Further, the committee has added an appropriate and necessary component to the framework of our future relations with the people of Taiwan. That essential component is the security clause asserting the continuing American concern and interest in the security of Taiwan and the western Pacific area. This provision in section 114 of the act is particularly necessary in the absence of an express pledge by Peking not to use force against Taiwan.

On several occasions I have spelled out the many reasons why I believe Peking will not use force against Taiwan, and I will not repeat them here for the record again. But since Peking would not renounce expressly the use of force against Taiwan, the United States must keep open its options to respond in the unlikely event there is a use of force by Peking. Therefore, I am pleased that the committee has incorporated the essential thrust of the resolution Senator KENNEDY and I introduced with the broad bipartisan support of 28 other Senators regarding the peace, prosperity, and welfare of Taiwan. And I am pleased that the Senate yesterday adopted a perfecting amendment by voice vote to section 114(b) (3) reflecting this substance.

The committee, in its thorough deliberations, has tackled a difficult and unprecedented situation. And the resulting committee language demonstrates the committee members' understanding of, and sensitivity and commitment to our future relations with the people of Taiwan.

As we preserve the substance of our commercial, cultural, and other relations with the people of Taiwan, it is important that we maintain these bonds on an unofficial—though no less substantive—basis. It would be inconsistent to maintain official relations with both Peking and Taipei.

The Taiwan Enabling Act establishes the necessary balance in our relations with the people of Taiwan and the Peking Government. And it is a balance that must be maintained. The administration can live with this bill. I believe the Chinese on both sides of the Taiwan Strait can also live with it—as it is without further changes. This bill will establish the balance which is in the interests of all parties. To upset the balance serves no one.

I am convinced that S. 245 is adequate and appropriate in governing our future unofficial relations with the people of Taiwan. I ask my colleagues to join me in this support, and I urge them to oppose amendment like the pending pro-

posal that would destroy our opportunity to develop appropriate relations with the People's Republic of China.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. CHURCH. I thank the Senator very much for his intervention, and I yield now to the distinguished Senator from Maine.

Mr. MUSKIE. Mr. President, I am sure that any comments by me at this point following the clear and lucid analysis of this amendment by the distinguished manager and the chairman of the Foreign Relations Committee and my colleagues, Senators STONE and CRANSTON, is not necessary. However, it seems to me as an opportune time for me to indicate my support for the pending legislation as well as my opposition to this amendment.

On December 15, 1978, President Carter announced that effective January 1, 1979, the United States would recognize the People's Republic of China. At the same time he asserted that the American people and Taiwan "would maintain commercial, cultural and other relations without official basis."

Since President Nixon signed the Shanghai Communiqué in 1972, a U.S. policy goal has been to work toward normalization of ties with mainland China. This was difficult to achieve due to our recognition of a strong alliance with the Republic of China. Both Taiwan and mainland China take the position that there is only one China, but that each considers itself the sole legitimate government of the Chinese people.

Recent U.S. recognition of the People's Republic of China as the sole legitimate Government of China now precludes our Government from dealing with Taiwan on an official basis.

The legislation before us assures the continuation of full commercial, cultural, and other relations between the United States and the people of Taiwan, on an unofficial basis. U.S. relations and interests with Taiwan will be handled by the American Institute of Taiwan, a private organization funded by the U.S. Government, established expressly for this purpose. The institute will be the channel through which most U.S. agencies and departments will carry out programs, transactions, and other relations with Taiwan. The institute will conduct its business with Taiwan through a similar private institution established by the people of Taiwan which will represent their interests.

Mr. President, let me emphasize that this legislation is independent of the President's decision to recognize the People's Republic of China. This legislation cannot affect that decision and no amendments to it or rhetoric about it can change that fact.

This legislation is important to Taiwan. It is important to American interests in Taiwan. It is the only vehicle available to legally assure a continuing commercial, social, and military relationship with Taiwan.

I know that some of my colleagues who disagree with the recognition of the PRC are frustrated by the fact that there is no legislative vehicle available to overturn the President's decision to culminate the

policy initiated by President Nixon to normalize relations with China. I know, too, that some of my colleagues would like to amend this legislation so as to create a political issue—though obviously not a partisan issue.

But, Mr. President, the fact is that this effort and this amendment smacks of biting off one's nose to spite one's face. Taiwan needs this bill. America's interests in Taiwan need this bill. Conversely, I suggest the People's Republic of China might be pleased to see this bill die.

This amendment would have as its sole effect the denial of all of the benefits which S. 245 would confer upon the people of Taiwan. The entire thrust of this bill is the protection of the relationship with the United States and the people on Taiwan, their eligibility for programs and relationships, the standing of Taiwan's authorities and people in the U.S. courts, the applicability of Taiwan's laws in U.S. courts, the continuation in force of treaties and agreements with Taiwan, the protection of Taiwan's assets, the security amendment, and so on.

The administration has not made the continued relationship with the United States and the people on Taiwan contingent upon the PRC's conduct.

For Congress to do so would be completely inconsistent with its desire to protect the people on Taiwan.

We may wish the Chinese would issue a statement formally renouncing the use of force. There is no reason to believe they will do so.

To make our continued relationship with the people on Taiwan contingent upon the PRC taking an action that clearly it has no intention of taking will simply punish the people on Taiwan.

I would hope that each of my colleagues would bear this in mind as they consider amendments to and final passage of this legislation. With this in mind, Mr. President, I would like to address the bill in specific terms.

For purposes of U.S. domestic law, this legislation views Taiwan as a country, absent the official sovereign status. It extends to those representing Taiwan interests, all privileges and immunities necessary in conducting business with our country. Thus Taiwan will continue to be eligible under such statutes as the Arms Export Act, the Export-Import Bank Act, and the Atomic Energy Act. All existing international agreements, with the exception of the Mutual Defense Treaty, made between the United States and the People's Republic of China will continue in force notwithstanding the changed status of Taiwan.

This legislation also details the close relations between the American Institute of Taiwan and the U.S. Government. The Institute is authorized to enter into new agreements as necessary. Such agreements will continue to be subject to congressional approval and consultation, pursuant to U.S. law.

The basic structure of the bill as submitted by the administration remains intact. However, the committee has clarified and specified some of the provisions to guard against legal loopholes or questionable application of U.S. domestic laws.

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which would have the effect of undermining American-Taiwan relations.

## TAIWAN AND THE SECURITY QUESTION

One of the most discussed issues of the bill has been the nature of our defense ties with Taiwan. The committee decided to add a section to S. 245 under which the United States would continue providing defensive arms to Taiwan and would assist the people of Taiwan to maintain a sufficient self-defense capability, whether through the provision of arms or other means. This section also directs the President to immediately inform Congress of any threat to Taiwan's security or to U.S. interests related to Taiwan. Any U.S. reaction to such threats would be carried out within the confines of U.S. law and constitutional processes. These confines include the provisions of the war powers resolution which insures congressional consultation by the President before any U.S. Armed Forces are committed to hostilities. U.S. law and constitutional procedures precludes any absolute security guarantee for Taiwan or any country.

## IMPACT OF U.S.-PRC NORMALIZATION ON TAIWAN AND THE ASIA REGION

Normalization of relations between the United States and the People's Republic of China provides for a more cooperative relationship between our Government and their Government and enhances the prospects for a peaceful resolution of the Taiwan issue. The Mutual Defense Treaty which will be terminated in January 1980 has not and cannot in itself guarantee a peaceful future for Taiwan. This in no way diminishes our continued concern for the welfare of Taiwan. We have made it very clear to the People's Republic of China that our relations with them rests on the expectation that the Taiwan question be peacefully resolved.

During my trip to the People's Republic of China in the latter part of November 1978, the Chinese made clear to the congressional delegation their commitment to the "four modernizations," China's plan for large-scale economic development. They frankly stated that China's access to U.S. credit, agricultural commodities, and technology is a key to their country's development priorities. Furthermore the People's Republic of China seems far more preoccupied with Soviet influence in many parts of the world than with a forced takeover of Taiwan. Their trade interests with the United States coupled with their concern over Soviet expansionism are incentives for the People's Republic of China to seek a peaceful coexistence with the people of Taiwan.

Likewise U.S. normalization of ties with the People's Republic of China reduces the likelihood of a confrontation between China and the United States in the Asia region. This is especially significant for our Asia allies. Our coinciding interests in the Soviet role in Asia will also diminish possibilities of China precipitating political and economic upheaval in the region.

This bill is vital to our future relations with Taiwan, as it lays the groundwork upon which commercial, cultural, and

other relations between our country and Taiwan will continue on an official basis. There is no reason to believe that this new basis will hamper our bilateral relations. On the contrary, there is every reason to believe that our relations will flourish and expand. Under a similar arrangement between Taiwan and Japan, established a few years ago, trade between them has actually increased.

I am sure my colleagues here share the same deep concern that the members of the Senate Foreign Relations Committee felt during their deliberations on S. 245: That the United States will not abandon Taiwan. With this concern very much in mind, the committee held extensive hearings on this bill, carefully considering wide-ranging views including those of the State Department, legal experts, business interests, congressional members, and defense experts. At the same time the committee was careful to avoid including language in the bill which would risk undermining or disrupting relations between the United States and the People's Republic of China. Such provisions would not safeguard Taiwan's future or our relations with them. Rather such provisions could only jeopardize Taiwan's future. I appeal to my colleague's to not be misled by amendments that may seem to strengthen our ties with Taiwan, but which actually undermine them and thus place in jeopardy the entire purpose of this bill.

Quite simply if this legislation is not passed, our relations with Taiwan go down the drain. We should waste little time in passing S. 245.

There are risks involved in this new policy toward the People's Republic of China and Taiwan, but I believe that this new policy is of such mutual interest to the People's Republic of China and to the United States and other countries whose future is of concern to us in the Western Pacific that the end result will be stabilization of the situation in the Western Pacific. Such a stabilization will work to achieve what this amendment seeks to achieve explicitly, but which it cannot, given the realities, achieve today on the Senate floor.

For that reason, Mr. President, I support the position taken by Senator Church and others of my colleagues in opposing this amendment and supporting the pending legislation.

May I say I particularly appreciated the observations of my good friend from Florida (Mr. Stone) with whom I had the privilege of visiting and touring through the People's Republic of China last November.

We returned just 3 weeks before the President's historic decision, and I think, at least so far as I am concerned, that I am assured the Chinese at this point view it as in their interest to begin and continue an open relationship with the West, and that that objective would be inconsistent with the use of force directed toward Taiwan.

In the pending legislation, as Senator Stone has so articulately said, we have made it eminently clear to the People's Republic of China that we would regard it as against our interest for them to use

force against the people of Taiwan. So I am delighted to have followed, and am prepared to follow, Senator Stone's comments on the pending amendment here this morning.

Mr. CHURCH. Mr. President, I yield to the Senator from New York such time as he requires.

Mr. JAVITS. Mr. President, I think Members have already put their fingers on the critical points here, but I would like to sum them up, as one of the authors of this bill.

This measure we are passing, as Senator Muskie so very properly said, is for the benefit of Taiwan. The People's Republic of China would probably be delighted if we did not pass this, because then all we do is exchange ambassadors. Everything is normalized, everything is regularized, and they have a free hand in respect of Taiwan, and we leave the Taiwanese up in the air as to whether they are going to be backed, defended, or traded with respect to what unilateral commitment we are making to them. That is all left up for grabs.

I could not think of anything that would be more satisfying to Teng than the collapse of the relations between the United States and Taiwan, which would result in leaving them totally alone. Where else are they going to go? They are orphans, at the mercy of 900 million people, who can certainly overwhelm them sooner or later.

So the passage of this bill is our way of giving them the assurance which they need and, for a change, in American policy—which has been bedeviled by the idea that the President cannot deliver has begun to stand out in the world, so that nations now doubt that we are resolute and are going to come through—here is a situation in which we are joining with the President, and we say as a totally united United States "We are going to see that you are not overrun, that you are not prejudiced, that you are not coerced either by force or by the implication of force or by boycott or blockade."

It seems to me that is a critical point, and there is no question about the fact that this will kill this whole proposition, because can you conceive of Teng, who is the inventor of this policy, swallowing this one?

He was just here, he just debated this proposition, and just told that they have got lots of time; they can wait forever. They do not intend to use force or change the social conditions, and so forth, on Taiwan. They value what is now their American connection. They do not want to jeopardize it, and in the face of that we say, "We want it in writing, or else."

The second point, which I think is exceedingly important, is this: What alternative do we offer to this way of approaching this problem? The alternative now is one of complete uncertainty for the people on Taiwan, and for this reason: let us assume, for the sake of argument, that we obtained this written promise, which is inconceivable under the circumstances. It seems to me anybody can see that, that the Chinese cannot do it, and if we should do this and incorporate it in this law it would simply mean

the collapse of all the negotiations with respect to where we are today.

But let us assume we can get it. What is the sequel to that? We now have a written agreement with the Chinese. We do not have to do anything further. We do not have to assure them of arms, assure them of trade, assure them of backing down the road, and a solemn promise by the United States. The Chinese have written it and have said they are not going to use force, and we are out of it, and that is all this amendment says. It says:

Contingent upon the President securing written assurances from the People's Republic that they will not undertake military operations.

What about boycott? What about blockade? What about telling every nation in the world "If you do any business with Taiwan, don't you show your nose in the People's Republic of China?"

They have no promise from us, because we will have done all that you wished us to do by proposing this amendment. We get a written statement which just says that China will not use any military operations. Well, they can strangle them about 50 ways from the middle without any military operations.

So with all respect to our colleague, and I respect and appreciate the opposition to this measure, I really think it is better to kill it in open combat and fair duel than by stealth, and that is all this would do. Instead of knifing him in the front you are going to knife him in the back, and I do not believe that this is what our country wants.

Now, as to the differences between Teng and ourselves on the question of force, I think that is a very important question, and I wish to point out again, as one of the conceptualists in respect of this legislation, that it was my purpose, and I can only account for myself and I think it is carried out in the legislation, to make a unilateral promise by the United States which was not dependent or contingent upon anybody else's promise. We know that people forget, and we know that notwithstanding that this is a highly interdependent world, Taiwan is far away, so are the people of the People's Republic of China, and it is very hard for our people to get accustomed to the idea that that is where our frontiers are. If it is a war, that is where it is going to start, whether it is on that frontier, the European frontier, the Middle East frontier; it certainly is not going to start in Los Angeles, San Francisco, or New York.

So we felt this had to be enshrined in some way in American policy, like any other major declaration, that our people for generations would not forget what we have promised the Taiwanese in terms of their survival and their ability to exist under whatever system they decide to adopt.

So, it seems to me that we can understand Teng's statement, that they cannot give up the right of the use of force. "Maybe these people someday will deny their motherland," as he put it; they cannot denigrate their own concept that there is one China, including Taiwan,

by agreeing to anything which denigrates that idea.

And we say, "All right, that was incorporated in the Shanghai communique, which we accepted, and you can feel that way, and even the people on Taiwan can feel that way. Although we doubt that they do; we really think it is the people who came over from the mainland who have those strong feelings. But be that as it may, we are telling you now we will not stand still for it, and will react with everything we have according to the constitutional processes of this country—and you do not have to agree to this, we are saying it/unilaterally—if you use force, direct or indirect, or coercion against these people, not only to suppress them but to suppress their social or governmental system." It seems to me that when a great nation makes that kind of a condition, not based on something those people say or do or do not do, that is the strongest kind of commitment we can give the people on Taiwan.

And the proof of that is that whereas there was consternation on Taiwan when this policy was announced, everything has calmed down and the people there now have a sense of assurance that, with the people of this country unilaterally in back of them—not just industry or business—based upon what people may do, they can now feel secure in developing their society and their economy. I think that was the intent of the people of this country, which will be expressed by this bill.

So, while I deeply appreciate the fact that our colleague who proposes this amendment believes it will give more assurance to the people of Taiwan, I respectfully submit that it will give them much less than they have by this bill. That would appear from the impracticality of dreaming for a moment that we can get such a thing as this amendment proposes, or that there will be any other result than the total collapse of what we are trying to accomplish, if we should accept the amendment and it should be incorporated in the law.

So I hope very much that the Senate will reject it.

Mr. HUMPHREY. Mr. President, there have been several references in this discussion to the security of Taiwan, and how wonderful S. 245 is in that respect.

It is not wonderful at all. It represents a step backward when you compare it with the Mutual Defense Treaty which is in force today between the United States and the Republic of China.

The section dealing with military aggression in S. 245 is section 114. Let me read what it says. It says it is the policy of the United States—

to consider any effort to resolve the Taiwan issue—

I would like to know what that issue is, by the way.

by other than peaceful means a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

What entity is the Western Pacific area? And what military forces does that entity of the Western Pacific area have at its disposal? Will this entity, the West-

ern Pacific area, come to the defense of Taiwan?

That is vague, deliberately vague language, and it means nothing.

The very least we could do for our friends on Taiwan, whose only sin was that they trusted us, would be to obtain assurances from the PRC that it will not resort to force against the Republic of China. We should have done that months ago. I believe such assurances could have been obtained; I believe they can still be obtained, because the PRC has far more to gain by improved relationships between our two countries than the United States does.

Our colleague from Idaho has spoken of the need for speedy action on this legislation. I believe our country suffers from undue haste in bowing to the demands of the Communists. Who made all the concessions? Did the PRC make one major concession? No, they did not. It was the United States which made all the major concessions. It bowed to the Chinese demand that we derecognize Taiwan, which is a sovereign country supported by its people. We bowed to their demands that we derecognize Taiwan, that we terminate our Mutual Defense Treaty, and that we withdraw our military presence. That is underway today; it is in fact virtually completed.

Who made all the concessions? We did. I suggest that haste has botched up this thing. President Carter made a very poor deal, which stinks to high heaven and begs for rectification. That is what my amendment aims to do, Mr. President.

Mr. President, if there is no further debate on this issue from the other side of the question, then I am prepared to relinquish the remainder of my time.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. How much time remains to the opponents of the amendment?

The PRESIDING OFFICER. The opponents of the amendment have 5 minutes remaining.

Mr. CHURCH. First of all, let me say there is a fine irony—I am sorry; has the Senator from New Hampshire yielded the floor?

The PRESIDING OFFICER. He has yielded the floor.

Mr. CHURCH. There is a fine irony in this amendment. If it were sponsored by a Senator who carries a liberal label, I am quite certain that it would be opposed by the very Senators who may vote for it. The argument then would be how on earth can you trust the word of Peking? what good is a written assurance from Peking? what value does that have to the people on Taiwan? Conservatives would be in here en masse, criticizing and ridiculing the amendment, suggesting that there is no basis whatever for depending upon any assurance from Peking, written or verbal, and that the guarantee contained in the amendment is worthless.

I submit, Mr. President, that if we put the proposition to the people on Taiwan and asked them, "Which would you prefer, a written statement from the

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Peking Government that they never will attack you in the future, or a unilateral statement by the Government of the United States that we base our whole new relationship with Peking upon the expectation that they will never resort to force in the settlement of the Taiwan issue; that furthermore, we pledge ourselves to furnishing Taiwan, in the future, whatever weapons it may need for its own defense; and that furthermore, we would regard any attack upon Taiwan, including a boycott or blockade, to be a threat to the peace and security of the Western Pacific and of grave concern to the United States." Mr. President, I know what they would say. They would say, "Give us that unilateral declaration of support from the United States. Do not force us to rely upon written assurances from Peking."

What a fine irony to have this amendment proposed by the very Senators who would ridicule it and vote against it if it were sponsored by some liberal Senator.

I find no good reason for the support of this amendment and its adoption by the Senate. Every Member should know that the amendment would kill the bill and suspend indefinitely everything within the bill that would enable us to proceed with our normal relationships and our peaceful ties with the people of Taiwan.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I will be very brief. I support the manager of the bill, Mr. CHURCH, and the ranking minority member, Mr. JAVITS, in opposing this amendment. I do not for a moment speak in derogation of the author of the amendment or any of its supporters, but I think it would be a serious mistake if the Senate were to adopt this amendment. It would, in my judgment, effectively negate all that we are seeking to do in the bill. Let me say it this way: It would operate ultimately to the detriment of the very people about whom we are concerned here, in regard to our continuing relationships.

The effect of this amendment would be to injure the status of the people of Taiwan. It would have the realistic effect of killing the bill. I am sure the President would not sign the bill. He would veto the bill, if this amendment were included. He would have no alternative.

The People's Republic of China does not want to injure the relations which it is developing with the United States. It does not want to jeopardize those relations. The PRC is in no position to militarily attack Taiwan or to take Taiwan by military force at this time. And, at any time in the future that military action might be taken, the United States always has the option of acting within its constitutional processes in its own best national and security interests.

Mr. President, this amendment does not say anything about blockades. It says nothing about boycotts. It talks about military operations. I do not think there is a Member of this body who thinks for one moment that the People's Republic

of China is going to give any written assurance that it will not undertake military operations of any nature against the people of Taiwan at any time. Premier Teng was in this country and he stated very clearly that the PRC has no intention of taking such action, but he would not completely close the door. He would not completely forgo the option of taking action at some future point. I can see from his standpoint why he would not do that. He is not going to give any written assurances.

For us now to demand that there be written assurances would be to jeopardize the very legislation that is in the best interests of the people of Taiwan.

If this amendment passed, I have an idea where some other happiness would prevail, and that would be the Soviet Union.

Just for once, Mr. President, let us think about the interests of our own country. We are all interested in Taiwan. We are all interested in cultural relations, and in continuing educational, scientific, and trade relations with Taiwan. That is what this legislation is all about. I think, and I hope most of us believe, that this legislation is in the interest not only of the people of Taiwan, but of the people of the United States.

So let us think once in a while of what is in the best interests of the United States.

Let the Senate adopt this amendment and the leader of the Soviet Union will say, "Amen." They will say, "Hurrah." Perhaps "amen" is not in their lexicon.

But they would be happy, they would be deliriously happy to see this amendment adopted, because they do not want to see the normalization of relations between the United States and the People's Republic of China go forward.

The PRESIDING OFFICER (Mr. NELSON). All time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask for 2 minutes on the bill.

Mr. CHURCH. Mr. President, I grant 2 more minutes on the bill.

Mr. ROBERT C. BYRD. Mr. President, the Soviet leaders do not want to see our relations with the People's Republic go forward. Normalization was bad news in Moscow.

I do not want to go out of my way to offend anybody. We want to continue to cooperate with the Soviet Union where we can, to be friendly with the Soviet leaders. But the interests of the United States of America should come first. Where do those interests lie? They lie in passing this legislation without this amendment.

So let us be concerned about the interests of the United States. Let us not for a minute, not for 1 minute, be deluded. This would not be to the benefit of the people of Taiwan. But the leaders of the Soviet Government would be delighted to see this, because it would be a roadblock in the path of normalization of relationships between the United States and the People's Republic of China. I am not for 1 minute about to support this amendment, and I hope the Senate will reject it shortly.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I must say I am delighted at the high-powered opposition which floor managers have mustered against this amendment. I certainly was entertained by the statements prepared overnight which shows they are worried about this amendment. Well, they ought to be.

I am not opposed to realistic relations with the People's Republic of China, Mr. President. That has been implied. I am not. Neither are a great many of us who are opposed to the weaknesses in S. 245.

I am, however, adamantly opposed to knifing our friends, either in the front, the back, or the side, and that is what President Carter proposes to do.

My colleagues in this room have automatically dismissed the possibility that the PRC might be willing to grant in writing those assurances which I seek. I think they might. I point out again that the PRC needs us far more badly than we need the PRC. Why do we need them? I am not against having realistic relations with them, but we have gotten along beautifully now for decades without a close connection with the PRC. We can get along nicely for a few more months without those connections. I say there is a good possibility that we could receive those assurances if we demand them. They ought to have been demanded. We ought now to demand them in the President's place.

There seems to be worry expressed about a Presidential veto. Well, what is the worry about that? Are we a rubber stamp? Must we rubber stamp a bad, stinking deal the President has made in notifying our friends? I say no. I say let us pass this amendment. Let us, in effect, require the President to go out and deal again with the PRC and come back with a deal that is better for our friends.

Mr. President, if those who oppose me in this amendment wish to have no further discussion, I am prepared at this time to relinquish the remainder of my time.

Mr. CHURCH. Mr. President, I am prepared to yield back my time. I believe it has expired anyway.

The PRESIDING OFFICER. Is all time yielded back? All time has been yielded back.

Mr. CHURCH. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. GRAVEL), the Senator from Kentucky (Mr. HUMPHREY), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

Mr. STEVENS. I announce that the Senator from South Carolina (Mr. THURMOND) is necessarily absent.

I further announce that, if present and

voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The PRESIDING OFFICER. Have all the Senators present voted?

The result was announced—yeas 74, nays 21, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—74

Baucus	Ford	Pell
Bayh	Glenn	Percy
Bellmon	Hart	Pressler
Bentsen	Healin	Pryor
Biden	Helms	Randolph
Boren	Inouye	Ribicoff
Boschwitz	Jackson	Riegle
Bradley	Javits	Roth
Bumpers	Jepsen	Sarbanes
Burdick	Johnston	Sasser
Byrd, Robert C.	Kennedy	Simpson
Cannon	Leahy	Stafford
Chafee	Levin	Stennis
Church	Long	Stevens
Cochran	Magnuson	Stevenson
Cohen	Mathias	Stewart
Cranston	McGovern	Stone
Culver	Melcher	Talmadge
Danforth	Metzenbaum	Tsongas
DeConcini	Morgan	Warner
Domenici	Moynihhan	Welcker
Durenberger	Muskie	Williams
Durkin	Nelson	Young
Eagleton	Nunn	Zorinsky
Exon	Packwood	

NAYS—21

Armstrong	Hatfield	McClure
Baker	Hayakawa	Proxmire
Byrd	Helms	Schmitt
Harry F., Jr.	Hollings	Schweiker
Dole	Humphrey	Tower
Garn	Kassebaum	Wallop
Goldwater	Laxalt	
Hatch	Lugar	

NOT VOTING—5

Chiles	Huddleston	Thurmond
Gravel	Matsunaga	

So the motion to lay on the table Amendment No. 101, as modified, was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 99

(Purpose: To permit individuals representing the people on Taiwan to be admitted to the Senate diplomatic gallery)

Mr. COCHRAN. Mr. President, I have an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes amendment No. 99.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 15, before "The" insert "(a)".

On page 13, after line 24, insert the following:

"(b) In exercising its duty under paragraph 2 of rule XXXIV of the Standing Rules of the Senate, the Committee on Rules and Administration of the Senate shall issue regulations providing that the head and first secretary of the instrumentality referred to in section 109, and their families and suites, shall be admitted to the gallery in the Senate

Chamber set apart for the use of the diplomatic corps. This subsection is enacted as an exercise of the rulemaking power of the Senate."

Mr. COCHRAN. Mr. President, the purpose of this amendment, which is to section 113 of the bill before the Senate, is to require that there be extended to the first Secretary, and others designated in the amendment, the privileges of the diplomatic gallery for those who are in that capacity representing the instrumentality of Taiwan which is created to carry on relations here in the United States.

It is in keeping, in my judgment, Mr. President, with the intentment of the section as it now reads.

I hope that through discussions here on the floor with the distinguished chairman of the Committee on Foreign Relations and the distinguished chairman of the Committee on Rules and Administration that we may establish that this can, in fact, be done under the existing rules of the Senate. If it cannot, then we would pursue the amendment.

With that hope in mind, Mr. President, I reserve the remainder of my time, to permit the distinguished chairman of the Committee on Foreign Relations to respond to this hope.

Mr. CHURCH. Mr. President, it is my understanding that the objective of the amendment lies within the discretion of the Committee on Rules and Administration of the Senate. Therefore, it would not be necessary nor advisable to write this language into the statute.

I note that the able chairman of the Senate Committee on Rules and Administration is present; and with the Senator's permission, I will ask him, as the chairman, to respond to the Senator's question.

Mr. PELL. I am glad to do so.

Mr. President, as we know, the diplomatic gallery—the gallery on the south side, behind the clock—very often is empty. It is entirely for diplomats, except the first and second rows on the east side. The first one on the east side is for guests of the President, and the second one is for guests of the Vice President. All the other rows are for diplomats. The original rule said that it was open only to the Secretary of State, foreign ministers, and so forth. Through usage, this has been expanded to include all members of the diplomatic corps.

From my point of view, I would think that, by the same custom of usage, the representatives of Taiwan, or Formosa—whatever we call it—should continue to have the same access to that gallery as long as they are being treated as they are, in a diplomatic manner, by the Government of the United States. That is my thought, and the thought which I would convey to the doorkeepers there. If there is any questioning of this thought, it can be raised in the Rules Committee at a later date, to see if the committee will sustain this recommendation or suggestion of mine. That would be my intention.

Mr. COCHRAN. Mr. President, I thank the distinguished manager of the bill. I believe that under the provisions of the rule, the chairman of the Committee on

Rules and Administration clearly has authority to issue, to such persons who are entitled to its privileges, cards which will permit them access to that gallery.

With that assurance, I will withdraw my amendment. I ask permission to withdraw my amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw it.

Mr. CHURCH. Mr. President, I thank the Senator for withdrawing the amendment in the light of the assurances he has received. I appreciate his cooperation.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HELMS. To be divided equally.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I say to the Senator that—

The PRESIDING OFFICER. The Chair cannot hear the Senator.

Mr. HELMS. I withdraw it, then. The time is still running.

Mr. JAVITS. Mr. President, there is plenty of time on the bill. There are 5 hours on the bill. So I suggest that the Senator suggest the absence of a quorum, with the time chargeable to the time on the bill.

Mr. HELMS. All right. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I am concerned about a particular provision of S. 245; namely, section 113 on page 13 of the printed document which states:

The President is authorized and requested, under such terms and conditions as he determines, to extend to the instrumentality established by the people on Taiwan and the appropriate members thereof, referred to in section 109, privileges and immunities comparable to those provided to missions of foreign countries, . . .

And so forth.

Mr. President, it has been alleged in some quarters, and I do not know whether it is true or not, that pressure was brought to bear on the Republic of China to accept the institute concept, pressure along the lines of threats to expell their personnel from this country, and I am concerned that in the future that kind of pressure could be exerted against the representatives of the people on Taiwan.

I am informed by counsel that the Senate cannot compel or direct the President to grant such privileges and immunities, but I wish to solicit the opinion of the floor managers relative to this section.

Is it their feeling that the threat of

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withdrawal of diplomatic privileges and immunities by a President in order to sway the representatives of the people on Taiwan to a particular point of view be inappropriate behavior on the part of the President?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. JAVITS. Mr. President, in my judgment that would run counter to the purpose and intent of this section.

The purpose and intent of this section is that the appropriate members, that means in my definition, the senior people in this Taiwan Institute shall have privileges and immunities comparable to those provided to missions of foreign countries.

When the President signs this bill into law, in my judgment, he is at the same time to follow the intent of Congress undertaking a moral obligation to extend these comparable privileges and immunities, and the word "comparable" is the word used in the bill, as well as the word "appropriate," to the appropriate members of the Institute, to wit, the senior people.

When he signs the bill, he undertakes that moral obligation as a result of the intent of Congress in this provision.

Mr. HUMPHREY. I thank the Senator.

Mr. CHURCH. I concur in the remarks made by the distinguished ranking member of the committee.

Mr. HUMPHREY. I thank the Senator very much.

I understand it is the opinion of the Senator that the threat of withdrawal of privileges and immunities by a President would be counter to the intent of this section.

Mr. JAVITS. Based on differences of opinion in trying to make him do something he does not want to do, yes.

Mr. HUMPHREY. Yes.

Mr. ROBERT C. BYRD. Mr. President, does the Senator from North Carolina wish to be heard?

Mr. HELMS. No.

RECESS FOR 1 HOUR

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate stand in recess for 1 hour, and that the time be charged equally against both sides.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

Thereupon, at 1:12 p.m., the Senate took a recess for 1 hour.

The Senate reassembled at 2:12 p.m., when called to order by the Presiding Officer (Mr. HEFLIN).

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Does the unanimous-consent agreement automatically bestow time upon the Senator from North Carolina?

The PRESIDING OFFICER. If the Senator offers an amendment, he will have time on his amendment.

Mr. HELMS. Mr. President, I ask unanimous consent before we begin with

my amendment that the distinguished Senator from New Mexico be heard briefly.

Mr. JAVITS. Mr. President, we will yield 2 minutes to the Senator. I yield 2 minutes to the Senator.

Mr. DOMENICI. I thank my friend from New York. I do not believe I will need 2 minutes.

Mr. President, the Senate will soon complete its work on S. 245, legislation designed to outline the framework of our future relations with Taiwan. This legislation is a unique exercise in diplomacy because we are seeking to establish quasi-official relations with a nation we no longer recognize. A special burden is placed upon us, and our colleagues in the House, because the decisions we make could well determine the fate of 17 million people. If we act wisely and firmly we will enhance the future security and freedom of these people.

I, along with many of my colleagues, are greatly troubled that the executive branch yielded to all the major demands made by the People's Republic of China without receiving any appreciable concessions in return. By acting as it did, the administration did little to insure the future freedom and security of the people of Taiwan. It must not be forgotten that since before the turn of the century, Taiwan has fallen under the control of the Chinese Government for less than 5 years. Fifty years of Japanese rule and 30 years of separate "nationhood" since 1949, have enabled the people on Taiwan to create a distinctly different socioeconomic-political and cultural system from the one that exists in mainland China.

In his December 15 speech President Carter spoke of the existence of the People's Republic of China as a "simple reality." I do not differ with the President's judgment—as far as it goes. There may be only one China, as acknowledged by Chinese officials in both Taipei and Peking, but there are two sovereign governments exercising effective control over portions of China's territory. For 30 years we refused to recognize the existence of the People's Republic of China. Now, however, we are refusing to recognize the existence of the 40th largest nation in the world by population, and our eighth largest trading partner. The true Asian reality is that there are two Chinas.

The Foreign Relations Committee has gone a long way to compensate for the deficiencies that existed in the original legislation transmitted to the Congress. I commend the members of the Senate Foreign Relations Committee for the diligent effort made to strengthen this legislation. It is my intention to vote for final passage of S. 245.

Having said that, however, I do not want to leave the impression that I believe we have done enough to secure the future right of self-determination for the people of the Republic of China. That is why I supported those amendments that were designed to upgrade future U.S. relations with Taipei, and strengthen the degree of our commitment to the security, freedom, and right of self-determination for our friends and former allies on Taiwan. In particular, I

deeply regret the Senate refused to accept Senator Percy's effort to send a clear signal to Peking that an attack on Taiwan would be a "threat to the security interests of the United States." That seemed to me to be a modest assertion of our moral commitment to 17 million people who have—over the years—come to depend upon us for their security.

Mr. President, throughout this debate we have seen the new Sino-American relationship from several different points of view. The President outlined his views on December 15. Vice Premier Teng took full advantage of his recent visit to the United States to insure that "normalization" would further China's goals and objectives. The Soviets have reacted coldly to this development, and it appears to have delayed a Carter/Brezhnev summit and slowed progress toward a SALT II agreement. But, except for news coverage of demonstrations in Taipei, little effort has been made to fully comprehend the concerns of the people most directly involved.

To better understand the feelings of the government and the people of Taiwan we must put ourselves in their position. A television news commentary by Bruce Herschensohn, which was broadcast over KABC-TV in Los Angeles, Calif., just 4 days after the President's announcement, approaches this problem from an entirely different perspective. The text of this commentary, which has just recently come to my attention, transfers the Chinese experiences over the last 30 years to the United States. It expresses in terms which are readily understandable to us the feelings we would have if our Government were overthrown by a totalitarian regime, but many of our citizens and the top leadership of our Government were able to flee to Hawaii where they would carry on the traditions and the governmental procedures which we as Americans had come to cherish.

The commentary goes on to explain how a major power—Great Britain—came to our aid and strongly supported the security of the United States of America on Hawaii. Many years later, a new and inexperienced Prime Minister pulled the rug out from under the people of Hawaii in much the same way that President Carter undermined the long-range position and security of the Republic of China on Taiwan. This commentary is, in my opinion, especially useful because it enables us to view the free Chinese experience from a perspective we can better understand.

Mr. President, I would like very much to share this commentary, which was broadcast over KABC-TV, Los Angeles, on December 19, 1978, with my colleagues, and I therefore ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. DOMENICI. In closing, Mr. President, let me stress that the long-range future of the Republic of China will continue to depend, in large part, on the actions of our Government. This bill does

not end our involvement with or our commitment to Taiwan; it just embarks us on a new phase in our relations with the people and the government we have, until recently recognized as the Republic of China. Many questions remain to be answered:

Can and will the United States, over the long run, act forcefully to deter military action against Taiwan?

Does the United States consider the Taiwan Strait to be international water? If so, are we prepared to assert ourselves to establish and maintain this principle?

Will the Carter administration and succeeding administrations have the will and the courage to resist Peking's protests and sell Taiwan the up-to-date weapons they will need to maintain a modern defense capability?

Will the United States, in concert with our allies, seek to limit the transfer of advanced military technology to the PRC so as to reduce the danger of aggression against Taiwan and China's other neighboring states?

If we do sell armaments to the PRC in the future, will we insist upon the usual restrictions against the use of American-supplied weapons for offensive purposes? Will we make it clear to Peking that we will not tolerate the use of American-supplied weapons in any attack upon the territory controlled by the Republic of China on December 31, 1978?

If future Presidents and Congresses act with firmness and courage, the future of Taiwan can be secure, peaceful, and prosperous. That is my hope, as we conclude our consideration of S. 245.

#### EXHIBITION 1 CHINA

Imagine that 30 years ago there was a tremendous uprising in the United States among military elements that backed a totalitarian regime; and imagine further, that the uprising won and took over our country. We fought and lost; but before the takeover, you and I and millions of Americans including the President, managed to escape onto the Hawaiian Islands.

Our friends stood by us. Great Britain was particularly horrified over the events and the Parliament of Great Britain voted unanimously for a mutual defense pact with us. The new dictatorship on the Mainland of North America called itself the People's Republic of America. We, on Hawaii, retained our flag and name of the United States of America because it's what we represented, not simply representing Hawaii alone.

As time passed, new refugees escaped the Mainland of America and told us of millions who were being tortured and executed in California . . . people we knew . . . friends . . . relatives . . . and millions upon millions of others in the country. We learned that all civil liberties had been taken away . . . that all churches and synagogues had been closed . . . that all private property had been confiscated . . . no free press . . . and that in Washington, the statues of Lincoln and Jefferson had been removed from their memorials and destroyed . . . with the shells of the shrines re-dedicated to the conquerors . . . and we learned that American children were taken from their parents and educated in political schools with their main course being the future takeover of Hawaii. The new generation was being brainwashed into being political, atheistic robots.

During the ensuing years, Great Britain became engaged in its own foreign conflicts; and to keep our side of the Mutual Defense

Treaty, we sent troops to fight beside the British for their cause, and we supplied them bases while the People's Republic of America killed English soldiers and killed our soldiers with them.

Then, one night, little more than a week before Christmas, while Parliament was out of session, the new Prime Minister of England, who was unschooled in foreign affairs, and a self-proclaimed moralist, went on television, smiled, and said, "In this season of peace, I take special pride in announcing that as of Jan. 1, 1979, Great Britain will recognize the People's Republic of America as the sole legal government of America. And we acknowledge the People's Republic position that there is but one America and Hawaii is part of it. And these decisions and actions open a new and important chapter in world affairs."

The story I told you is true. Only the names have been changed to protect the identity of those who are bringing about a new world order, without morality, loyalty or liberty. Some day, the names we used here may be accurate.

#### UP AMENDMENT NO. 43

(Purpose: To declare that the people on Taiwan, as defined in this Act, constitute an international personality)

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 43:

On page 14, after line 12, insert the following paragraph:

"(5) to declare that the people on Taiwan, as defined in section 101(b) of this Act, constitute an international personality with the right to maintain its territorial integrity and sovereignty, notwithstanding the withdrawal of diplomatic relations with the entity recognized by the United States prior to January 1, 1979 as the Republic of China."

Mr. HELMS. Mr. President, as I have noted in my additional views in the committee report, the legislation before us, S. 245, is based upon a fatal contradiction. At one time or another, to one degree or another, and in one way or another, I think most Senators agree with that statement because, on the one hand, this legislation assumes that the United States can continue a normal relationship with the people on Taiwan but, on the other hand, it dismisses all the attributes of sovereignty upon which such a relationship could be based.

The committee report itself attempts to draw a distinction between domestic law and international law. The report says on page 7:

The Administration has stated that it recognizes the People's Republic of China (PRC) as the sole legal government of China. It has also acknowledged the Chinese position that Taiwan is a part of China, but the United States has not itself agreed to this position. The bill submitted by the Administration takes no position on the status of Taiwan under international law, but does regard Taiwan as a country for purposes of U.S. domestic law. The bill assumes that any benefits to be conferred on Taiwan by statute may be conferred without regard to Taiwan's international legal identity.

I note also that our official policy toward Taiwan is referred to on page 6 as "derecognition," a term, I believe, which has no basis in international law.

And further on, on page 6, the committee report correctly summarizes the administration testimony:

"The Administration did not press the PRC for a pledge not to use force against Taiwan during the negotiations preceding normalization, on the ground that no Chinese government would renounce the use of force against what it regarded as a province of China—a position repeatedly stated by the PRC. However, the Administration states that it made clear to the PRC that normalization rested upon the expectation that the Taiwan issue would be resolved peacefully."

Thus, Mr. President, the report makes this clear that the United States is seeking to avoid any action in international law which would prejudice the PRC claim, the Red Chinese claim, to exercise sovereignty over Taiwan, our friend, our ally, and anti-Communist government. This in itself is an action that obviously supports the claim of the People's Republic of China.

But is it really possible to take one position in our domestic law, and another in our conduct of international relations? In the judgment of the Senator from North Carolina, it is an impossibility. So the question that we must really settle before we act upon this legislation, is whether the arrangement is one that is expected to continue indefinitely, or whether it is a framework for the so-called peaceful transition of the people of Taiwan into domination under the Communist yoke.

That is the essential question. Much as I regret to raise this question this afternoon, it is one that in good conscience the Senator from North Carolina cannot avoid or ignore.

Although the committee report seems to say that we can ignore Taiwan's international status while concentrating on our domestic law, let us look at that status for a moment. For, if the United States does not make clear its position on the international status of Taiwan, we will not be able to challenge successfully any threatening PRC moves against Taiwan. Moreover, Taiwan's status does not depend objectively upon what the President of the United States does or says. Its status is independent of what we say. Yet in the long run Taiwan must be able to defend its status, either alone, or with the help of allies. By withdrawing our support of what Taiwan believes to be its status, we, as Taiwan's major ally, are actually contributing to the demise of that status.

So we cannot escape the consequences of our actions. As testimony presented to the committee by Professor Hungdah Chiu has pointed out, the Government of the Republic of China has had effective control of Taiwan for more than 30 years. The Republic of China possesses all four essential elements of statehood in international law, namely: First, a defined territory; second, a permanent population; third, a government; and fourth, the capacity to enter into international relations. There is nothing in international law to prevent the United States from recognizing the Republic of China, even if the United States at the same time recognizes the People's Republic of China.

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As Professor Chiu stated:

How can the United States maintain its existing close relations, including treaty relations, with Taiwan without recognizing the Republic of China in Taiwan's international personality? According to international law, "the existence in fact of a new state or a new government is not dependent on its recognition by other states." (Hackworth, Digest of International Law, Vol. 1, 1940, p. 161). This principle also finds support in the 1933 Inter-American Convention on Rights and Duties of States which provided in Article 3 that "The political existence of the state is independent of recognition by other states." While the United States may not want to formally recognize the ROC even as a state and government within the territory under its control, it may take a position somewhere in between recognition and non-recognition with respect to the international legal status of the Republic of China in Taiwan.

The point is, Mr. President, that we cannot "derecognize" Taiwan. We can recognize Peking as the "sole government of China" if we wish; but once we have recognized Taiwan and Taiwan continues to control its territory, we cannot take back that recognition. We can break relations, or withdraw our Ambassador. We did that to our enemies in World War II. But it is impossible to withdraw recognition. Not even the President has claimed to withdraw recognition. He has made no statement to that effect at all. Nor have administration spokesmen made any such statement. Rather, they have asserted that the United States takes no position on the PRC's claim to Taiwan. All that we have done is to withdraw diplomatic representation from Taiwan.

But I ask, Mr. President, is it possible to revise our domestic law, as the pending bill would do, without taking a position in international law? I submit that it is not. If we do not admit that the Republic of China Government is the legal governing authority on Taiwan, how can we have any relationship at all that is legal in international law? Can we have any relationship with the people of any nation that is not sanctioned first by the governing authorities in that territory? And if the authorities in Peking are the legitimate authorities—the "sole government," in the President's term—then how can we continue a relationship with a rival entity that claims to be the governing authority on Taiwan?

How can we sell military equipment and arms to the people on Taiwan when we have recognized Peking as the "sole government" of China? Are we not, then, selling arms to a rebellious province? And more to the point, how can the United States itself defend Taiwan against any economic or military pressure from the government that we have declared to be the sole government of China?

Mr. President, I think that it is clear in international law that we have no right to do any of these things under the circumstances. This bill says that the President can conduct relations with the people on Taiwan; but the President has recognized another government as the sole government of China.

This bill says that we can maintain commercial, cultural, and other relations with the people on Taiwan; but under international law, such relations cannot be conducted with "a people." This bill says that the United States will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of arms of a defensive character; but how can we provide arms to the people on Taiwan when we refuse to take a clear position on the international status of the people to whom we are supplying the arms?

It should be plain, Mr. President, that we cannot accept the sophistry that our domestic law can authorize something that is in conflict with our position in international law. We must resolve that conflict before we approve this legislation.

Mr. President, I think that a middle position can be found that would recognize the realities of the situation without invading the President's prerogatives or powers. The basic principles would be as follows:

First. A middle way would not contradict the President's statement that Peking is the sole government of China.

Second. A middle way would not insist upon diplomatic relations, government-to-government relations, or any comment upon the legality of the governing authorities of the people on Taiwan.

Third. A middle way would confirm that the people on Taiwan had the right to act to maintain their independence from the mainland regardless of whether peaceful or military pressures were imposed.

Now we get down to the difficult questions Mr. President. That is why I am proposing that a fifth paragraph be added in section 114 in the declaration of the policy of the United States. This paragraph would say that it is the policy of the United States "to declare that the people on Taiwan, as defined in section 101(b) of this act, constitute an international personality with the right to maintain its territorial integrity and sovereignty, notwithstanding the withdrawal of diplomatic relations with the entity recognized by the United States prior to January 1, 1979 as the Republic of China."

Now what about this language—what does it do? First of all it is a declaration of U.S. policy. Taiwan's rights do not derive from what the United States says about those rights; but a declaration of policy with the force of law makes it clear where we stand, and enables us to defend Taiwan against the protests of the PRC.

Second, it states that the people on Taiwan constitute an international personality; that is to say, they are a distinct entity that can be treated in a way distinct from the mainland.

Third, it provides the basis for the defense of the territorial integrity of that personality.

Fourth, it declares that the people on Taiwan are not in violation of international law in conducting international relations and defensive actions.

Fifth, it would solve an anomalous

problem that has not yet been addressed; namely, the legal status of the Mutual Defense Treaty.

We have walked all around the periphery on this issue, but we have not come to a confrontation with it.

As we all know, the President on December 15 announced that he would give 1 year's notice of termination of the Mutual Defense Treaty on January 1, 1979, and did so. Yet on the same date, he recognized Peking as the "sole government" of China. That being the case, it would appear that for one more year we have a treaty with an entity which we do not recognize as a state.

Now it should be recognized that the Mutual Defense Treaty is not with the so-called people on Taiwan. The treaty is with the Republic of China. Perhaps we can somehow change our domestic law to enable us to have relations with the people on Taiwan, but we cannot unilaterally change the terms of an international treaty. Whether we like it or not, for one more year we have a Mutual Defense Treaty with the Republic of China, even though we have withdrawn diplomatic representation. Therefore, in order to abide by our international obligations, we must take action that takes note of Taiwan's status as an international personality, capable of defending its territorial integrity and sovereignty. If that is not the policy of the United States, then we have no right to be furnishing arms to the people on Taiwan.

Alternatively, if that is not the policy of the United States, then the proper 1 year's notice, required under the treaty, was not given. If we ceased to recognize Taiwan as an entity with an international personality on January 1, then the President gave only 15 days notice, not 1 year's notice.

The logic of it is very simple. We cannot continue defending an entity that has no right of self-defense, not even for 1 year. Either the President gave 1 year's notice, or he did not. If this legislation before us is to have any consistency whatsoever, it has to take a stand on whether or not it is proper under international law to extend military assistance to the people on Taiwan as an entity with international personality and the right of self-defense. If we do not take such a stand, then we are declaring that the President acted improperly in only giving 2 week's notice, instead of 1 year's notice, of termination of the treaty. A vote against this amendment, then, is a vote against the President.

Mr. President, this amendment does not invade the President's prerogatives. It is only a declaration of policy, like the other four paragraphs of this section, and just as valid as the other four paragraphs. It does not insist upon diplomatic relations with the people on Taiwan. It is not incompatible with the concept of the American Institute on Taiwan. And finally, it does not contradict any of the publicly expressed agreements with Peking.

If we really believe that the people on Taiwan have the right to resist unification, have the right to resist coming

under Communist domination, even by peaceful means, then it is urgent that this declaration of policy become a part of this legislation.

Mr. CHURCH. Mr. President, I do hope that the Senate will reject the pending amendment offered by the distinguished Senator from North Carolina. The amendment serves no useful purpose.

Yesterday, this body undertook to determine the title to real property in this city, property that is the subject of possible court action, property which involves a justiciable question. I do not remember a time when the Senate has ever undertaken to substitute itself in the place of the court and, by vote of the Senators, to decide who owns a given piece of property. I doubt our jurisdiction to make such a determination.

I have no doubt that we are not competent to make such a determination. Today, if the Senate adopts this amendment, we shall make a great leap farther and undertake to define the status of Taiwan under international law. Mr. President, we have no competence to make such a determination.

Furthermore, by adopting this language, we accomplish nothing of value for the people on Taiwan. The fact is that the island exists. The fact is that there are 17 million people living on the island, working in factories and on farms and in various businesses, engaging in a voluminous international trade. The fact is that a government exists on that island, and nothing that we can say in an amendment of this kind affects or alters in any way the facts of life as they relate to Taiwan.

So, my first question is, Why do we persist in hanging ornaments on this tree? It is necessary for us to come to the Senate with a bill that will enable us to continue our relationship with the people on Taiwan through an institute that is created by the bill and on an unofficial basis.

That is the tree we need to plant and, indeed, it is the tree that will be planted when the Senate and the House of Representatives, later in the day, come to a firm vote on this measure. But, Mr. President, we do not have to hang ornaments on every branch of this tree—ornaments that only detract from its pristine beauty. I suggest that this is such an ornament.

If it were not for the fact that I believe it might impair the health of the tree, I would, out of a spirit of comity, say to my good friend from North Carolina, "If you want to hang this ornament on the branch, be my guest." But, unfortunately, Mr. President, I do believe it would impair the health of the tree, because it unnecessarily raises the very questions that we seek to avoid in establishing an unofficial basis for our future relationship with the people on Taiwan.

It unnecessarily attempts to define their status under international law with such imprecise terminology as "international personality"—whatever that means—and with the additional words, "the right to maintain its territorial integrity and sovereignty."

We have been over this point so many times that I am somewhat embarrassed to bring it up again. But if there is one proposition upon which the Government in Taiwan located in Taipei and the Government of the mainland located in Peking agree upon, it is the proposition that there is but one China and that Taiwan is part of China.

So when we introduce words like "sovereignty" in an amendment that attempts to define the status of the people on Taiwan, we interject an unnecessary problem into this argument.

This amendment tends to contradict the agreement we reached with the People's Republic of China. It tends to confer a status on Taiwan that suggests a different character than either the Government in Taipei or the Government in Peking extends to it.

Why do that? What useful purpose does it serve? Why complicate things when it is unnecessary?

If this amendment were adopted, Mr. President, it could set a precedent for other groups that would like to receive recognition by an official body of their international personality. No one knows how far such a precedent might carry us. No one voting for this amendment could know its limits.

So, for all of these reasons, it seems to me imprudent for the Senate to adopt the amendment offered by the distinguished Senator from North Carolina, even though it pains me not to accept it owing to the fact that he is a fellow member of the committee. I would like to oblige him, as I undertook to oblige him yesterday in connection with half a dozen amendments that he offered at that time.

But the issues involved in this particular case are well set forth on page 7 of the committee report, where it reads:

The Administration has stated that it recognizes the People's Republic of China (PRC) as the sole legal government of China. It has also acknowledged the Chinese position that Taiwan is a part of China, but the United States has not itself agreed to this position. The bill submitted by the Administration takes no position on the status of Taiwan under international law, but does regard Taiwan as a country for purposes of U.S. domestic law. The bill assumes that any benefits to be conferred on Taiwan by statute may be conferred without regard to Taiwan's international legal identity. The legal scholars consulted by the Committee agreed with this view. Most of these scholars thought it would be unwise to try to define Taiwan's international legal status. They said that the best approach would be to spell out the specific manner in which relations with Taiwan will be maintained by the United States. The proposed changes and amendments to S. 245 basically follow this approach.

There is little question but what this was the predominant position of the best legal scholars the committee could consult.

I hope that for these various reasons the Senate will see fit to reject the amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, as I listened to my distinguished colleague

from Idaho, it occurred to me at several points that we are not really in disagreement and perhaps we can work this thing out so that I will agree further with him or he with me.

But I notice that he said that legal scholars appearing before the committee failed to make any such suggestion as contained in this amendment.

I will have to differ with him.

Mr. CHURCH. Mr. President, will the Senator yield on that point?

Mr. HELMS. Yes.

Mr. CHURCH. What I said, actually, was that legal scholars consulted by the committee—

Mr. HELMS. I see.

Mr. CHURCH. The Senator will remember that after we heard from one such witness, the committee suggested to me that other prominent scholars be consulted. I had reference to the opinions of those scholars.

Mr. HELMS. I appreciate the Senator's clarification. I imagine he was referring to the Honorable Victor Li of Stanford University who appeared before the committee, and the Honorable Hungdan Chiu, of Maryland Law School, whom I quoted a few minutes ago.

Just so the record will show Dr. Li's position, I ask unanimous consent that his testimony, or a part of it, be printed in the RECORD at this point, in which he begins by saying:

I believe the United States should make explicit that it regards Taiwan as a de facto entity with an international personality.

I might add, that is where I got the word "personality."

I have marked. Mr. President, the portion which I wish to have printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF VICTOR LI, STANFORD UNIVERSITY SCHOOL OF LAW, PALO ALTO, CALIF.

I believe the United States should make explicit that it regards Taiwan as a de facto entity with an international personality. Such a stand accurately reflects the reality. Derecognition has not affected the autonomous manner in which the authorities of 17 million inhabitants of Taiwan manage their affairs.

I should note that this approach does not violate the principle of one China. The de facto entity concept deals with present political realities, and does not require, or preclude, eventual reunification, or any other outcome. Indeed, Vice Premier Teng's recent indication that Taiwan may retain its political and economic systems as well as maintaining separate armed forces acknowledges the same realities.

As a de facto entity with international personality, Taiwan can do virtually anything a de jure recognized state or government can do. American legislation does not make major distinctions between the de jure and the de facto entities. Judicial practice also holds few, if any, additional disabilities.

Finally, one of the reasons for moving ahead with normalization is to bring American policy into accord with reality, a laudable goal. Structuring our dealings with Taiwan as though it were a subordinate unit of the PRC would be a departure from reality.

I believe that the United States should make clear that it regards Taiwan as a de facto entity with international personality. Such a stand accurately reflects reality: de-

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recognition has not affected the manner in which the authorities and 17 million inhabitants of Taiwan conduct their affairs. The United States simply is acknowledging the fact that Taiwan continues to manage its affairs in an autonomous manner.

I should note that the above suggestion does not violate the principle of one China. The *de facto* entity concept deals with present political realities, and does not require or preclude eventual reunification or any other outcome. Indeed, Vice-Premier Teng's recent indication that Taiwan may retain its own political and economic systems as well as maintain separate armed forces acknowledges the same realities.

The United States may derive some short term benefits from refusing to clarify the legal rationale for continued dealings with Taiwan. After all, explicitly calling it a *de facto* entity would aggravate the PRC, while adopting the successor government theory would damage Taiwan. This policy of intentional ambiguity may be difficult to maintain for an indeterminate time. In the years to come I suspect that we will see many situations where the PRC would attempt to assert its position as the successor. Each instance would set a precedent for future dealings.

Mr. HELMS. Mr. President, if my friend from Idaho would not object, I would like to raise a few questions with him and perhaps we can come to an understanding on this question.

Does the Senator believe the People's Republic of China has *de jure* sovereignty over Taiwan?

Mr. CHURCH. I think that the existing Government on Taiwan, the one we formerly recognized as the Republic of China, has the *de facto* jurisdiction over the people of Taiwan. It is the *de facto* government.

Mr. HELMS. So the answer to my question is "Yes"?

Mr. CHURCH. I would prefer to state the answer in my own words, if the Senator does not mind.

Mr. HELMS. I am not trying to—  
Mr. CHURCH. Rather than say "Yes" I rely instead upon the answer that I gave the Senator to his question.

Mr. HELMS. Will the Senator repeat it?

Mr. CHURCH. My answer to the Senator's question was that the government in Taipei is the *de facto* government of Taipei. It is in charge and presently exercises jurisdiction over the people living on Taiwan.

Mr. HELMS. If it is a *de facto* government over Taiwan, then it obviously would have sovereignty. I understand what the Senator is saying.

As the Senator said earlier—

Mr. CHURCH. If the Senator would not mind my intervention at that point—

Mr. HELMS. Not at all.

Mr. CHURCH. I think that the subject of sovereignty is a broader subject, inasmuch as the government in Taipei as well as the government in Peking hold to the proposition that there is but one China and that Taiwan is part of that China.

So the argument having to do with the exact legal status of Taiwan under those conditions is one we prudently could leave to the Chinese.

It is a problem for them to resolve in the fullness of time. I believe it would be unwise for us to attempt to define the

exact legal status of the Government in Taipei for purposes of this legislation.

Mr. HELMS. What we are doing with this legislation is understanding our position for ourselves here in the Senate. I take it that we are not attempting to dictate either to Peking or to Taiwan.

Mr. CHURCH. The Senator is correct. We are not.

Mr. HELMS. Let me ask the Senator this: Does Peking have the right to defend the people on Taiwan?

Mr. CHURCH. I believe that is a question that can be answered only by the Government in Peking. But the fact is that the Government in Taipei possesses the means to defend the island and its people, and it has expressed the determination to do so.

Mr. HELMS. That was my next question: Does the Government in Taipei have the right to defend the people of Taiwan?

Mr. CHURCH. The Government in Taipei asserts that right, and we do not quarrel with it. In fact, as the Senator knows, we have expressly included in this bill, as a part of the stated policy of the United States, that we will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of arms of a defensive character.

Mr. HELMS. I take it that the Senator will not seriously object to this Senator's assertion earlier that the people of Taiwan occupy a defined territory. Is that right?

Mr. CHURCH. I agree.

Mr. HELMS. And he would not object to my assertion that the people on Taiwan have effectively controlled that territory for 30 years.

Mr. CHURCH. I agree.

Mr. HELMS. And I take it that he would not dispute my assertion that the people on Taiwan have governing authority at this time.

Mr. CHURCH. I agree.

Mr. HELMS. I take it that he would not dispute that the people on Taiwan have carried on international relations for more than 30 years and are continuing to carry on international relations.

Mr. CHURCH. I agree.

Mr. HELMS. The Senator was good enough to say earlier that a government exists on Taiwan.

Mr. CHURCH. I agree. And is not that enough?

Mr. HELMS. No, sir.

Mr. CHURCH. Do we have to go further and attempt to define its exact status in international law, when that would complicate matters for us?

The purpose of this bill, as the Senator knows, is to serve the interests of the United States by continuing to maintain commercial and cultural relations with the people on Taiwan. It is not necessary that we define their legal status with precision.

Mr. HELMS. The Senator, I am sure, would acknowledge that the Senator from North Carolina is not trying to confuse the issue. My purpose is to try to make clear the status of Taiwan for the purposes of enacting this legislation.

Mr. CHURCH. And we do that, I say to the Senator.

Mr. HELMS. That is the purpose of this amendment.

Mr. CHURCH. We do that exceedingly well I think. My compliments to the committee and, indeed, to the Senator, himself. I think he contributed to the definition that we set forth on line 19, page 8, under title 1 of the bill, section 101(b), which reads:

Except as provided in section 205(d) of this Act, the term "people on Taiwan", as used in this Act, shall mean and include the governing authority on Taiwan, recognized by the United States prior to January 1, 1979 as the Republic of China; its agencies, instrumentalities, and political subdivisions; and the people governed by it in the islands of Taiwan and the Pescadores.

I do not know how we could better define the people on Taiwan than in the words chosen by the committee.

Mr. HELMS. As the able Senator knows, the difficulty is not in what he and I may want. We are trying to obtain a piece of legislation that will escape being regarded as a sham.

I ask the Senator this: Does the withdrawal of diplomatic representation constitute withdrawal of recognition that the governing authorities of the people of Taiwan constitute an international entity?

Mr. CHURCH. I am unable to answer the Senator's question, because I do not believe it is within our power to define an entity for purposes of international law.

Mr. JAVITS. Mr. President, who has the floor?

Mr. CHURCH. I believe the Senator from North Carolina has.

Mr. JAVITS. I believe we should yield on our time.

Mr. HELMS. We can work that out.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. JAVITS. Mr. President, I rise because this is the particular point which it seems to me is critical. I ask the Senator from North Carolina to follow me carefully.

Mr. HELMS. I am delighted to do so.

Mr. JAVITS. It is a legal argument. We have proceeded on the theory that we are drawing a statute which will determine our action unilaterally.

Mr. HELMS. Precisely.

Mr. JAVITS. Whether we will give them arms, whether we will come to their defense, whether we will trade with them, whether we will give their people the right to sit in the gallery, whether we will give them a house and home here, like Twin Oaks, and so on. We have dealt with all that. Those are things we can do.

The thing that troubles me about this amendment—

The PRESIDING OFFICER (Mr. Pryor). The time of the Senator from North Carolina has expired.

Mr. JAVITS. The Senator has yielded on our time. I yield myself 5 minutes on our time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HELMS. I say to the Senator that I have no intention of calling up another amendment, so perhaps we can have latitude in the disposition of time.

Mr. JAVITS. The thing that troubles me about this amendment is that the Senator from North Carolina wants us to say something we cannot say but which only they can say. That is the real sticking point.

We have defined the people on Taiwan as including the governing authorities on Taiwan. We say that in section 101 (b), page 8, line 21: "the term 'people on Taiwan,' as used in this act, shall mean and include the governing authority on Taiwan."

The Senator from North Carolina wants to say that this governing authority on Taiwan has the right to maintain its territorial integrity and sovereignty. We say, "We are sorry, Senator HELMS. We don't have to say that in order to do all the things we want to do for them in this act unilaterally."

So let them say that, if they wish; and if they want to fight with the People's Republic of China about that concept, that is their problem. We may or may not come to their defense if they do that. We said here that we have to go through our constitutional processes, and so forth, and we did not contemplate that kind of quarrel between them; because in the Shanghai communique they, too, said they were part of China. But if they want to do this, that is their pigeon, not ours.

That is the real sticking point in this thing. The Senator from North Carolina wants to do something which we cannot make or unmake; only they can do that. That defeats the whole concept of this legislation. That is why I cannot accept the amendment.

All the law we had cited to us says that the authorities on Taiwan, the people on Taiwan, are whatever we make it, whatever we say it is. If we say it can sue in the United States, it can sue. If we say it can own property, can trade, can have agents, can have an office, that is it. But we cannot say that these authorities on Taiwan have "the right to maintain its territorial integrity and sovereignty." That is not in our power; that is in their power, if they want to do it.

Mr. HELMS. Obviously, it is within their power.

Mr. JAVITS. Therefore, this amendment defeats the concept of what we are trying to deal with here, and that is why I would have to oppose it.

Mr. HELMS. I just do not see how it does defeat anything of interest to the United States; it merely makes explicit the implicit rationale of the bill.

I presume that I may ask a few more questions, even though the time situation is tight.

Mr. CHURCH. On our time.

Mr. JAVITS. There is no problem with that. Do not worry about that.

Mr. HELMS. Can the United States supply arms to an entity which we do not recognize?

Mr. JAVITS. Of course. Why not? There is no law of the United States that

I know of, and we are making this one preempt everything, so even if there is one that I do not know about this preempts it. We have a full preemption clause in here which I wrote myself precisely for that reason, so there could be no question about it. Notwithstanding any other law, we say "was given sufficient arms." We can do it. That is something we control.

Mr. CHURCH. Besides we have on many occasions in the past furnished arms to groups that we did not officially recognize as governmental entities.

Mr. HELMS. Such as?

Mr. CHURCH. Such as the guerrilla forces during World War II in various countries, including Yugoslavia. The United States is not limited to dealing only with governments that it officially recognizes.

As the Senator from New York has pointed out, the very purpose of this bill is to establish an unofficial basis for continuing to do business with the people on Taiwan.

Mr. HELMS. I thank the Senator for his statement that the United States is not limited to dealing only with governments that it officially recognizes. If I could ask the Senator from New York, does he feel that with this legislation we are saying that Taiwan is subject to the sovereignty of Peking?

Mr. JAVITS. No. We are taking no position on that except whatever may be implied from the fact that we have recognized Peking. I do not know what that is. It is going to be very arguable. Nonetheless, that is something that in this world we cannot settle everything.

Mr. CHURCH. It is, after all, a Chinese question to be settled among the Chinese themselves.

Mr. JAVITS. That is right.

Mr. HELMS. The Senator understands that. I do not purport that we have the right to settle that question for China, either one of them, and I am pleased with the distinguished Senator's clarification that with this legislation we are not saying that Taiwan is subject to the sovereignty of Peking. I am just saying for our own purposes that this legislation should be clear as to the position of the United States, and it has not been sufficiently clear to me. That is my problem.

Mr. JAVITS. Let me restate my proposition. I say to Senator HELMS. My proposition is that there is an entity, a people, and a structure which satisfies the definition of 101(b), to wit, there are people and there are governing authorities on Taiwan.

Mr. HELMS. Therefore, a government.

Mr. JAVITS. Pardon?

Mr. HELMS. Therefore, a government.

Mr. JAVITS. I cannot say that. There are governing authorities. That is what we said here. There are governing authorities.

Now, then, whatever we wish to do with them we can do under our domestic law. We can say they can buy, they can sell, they can own, they can sue, they can sit in the gallery, and so on. That is complete as far as we are concerned.

But when the Senator is going to ask

us to say that they have the right to maintain their territorial integrity and sovereignty, I say we do not.

Mr. CHURCH. That is an international issue.

Mr. JAVITS. This is not within our power or authority or the whole concept of this legislation. If they feel that way, they will do what they can about it, if anything. But we cannot give it to them. We cannot confer it on them, and we should not. And it is unnecessary to the purpose of this particular piece of legislation.

Mr. HELMS. It is not the intention of my amendment to confer status upon Taiwan—only to provide the rationale for this unique legislation. Will the Senator say that it is U.S. policy insofar as we are concerned to allow Taiwan to resist unification if it desires to do so?

Mr. JAVITS. I'm not going to pass on that because it is unnecessary to the decision of this case, I say to the Senator from North Carolina. All that I say is that we will give them sufficient moneys to resist any effort to suffocate, suppress, or coerce them, and that is what we say and that is what we mean and we will do it. But as to their decision as to how they will deal with the People's Republic of China, no. We will give them the means, but they make the decision.

Mr. HELMS. The Senator from Idaho had some problem with the word "personality." Would he feel more secure if I inserted "entity" there instead of "personality"?

Mr. CHURCH. I do not think so. This amendment, I say with all due deference to the distinguished Senator, is fundamentally flawed.

Mr. HELMS. Just like this bill is.

Mr. CHURCH. Well—

Mr. HELMS. And that is the problem. It is going to be a lawyer's paradise, I will tell the Senator that.

Mr. CHURCH. The Senator may vote for or against the bill. I think the Senator is going to vote for it. I do not predict the Senator's vote, but I will be surprised if he does not vote for it, because it does many of the things that he and I both want to see done for Taiwan.

Mr. HELMS. It is the only game in town as the Senator knows.

Mr. CHURCH. And it is a bill that the committee has strengthened and improved. We bring to the Chamber with pride, and I commend the Senator for his part. He was a fellow architect of this bill. He joined with us in improving, strengthening, and perfecting this bill.

Mr. HELMS. I did the best I could.

Mr. CHURCH. Yes, the Senator did.

Mr. JAVITS. He did mighty well.

Mr. CHURCH. Now, the Senator goes too far with this amendment, because all we can do in this bill is to determine how as a matter of our domestic law we are going to deal with the people and governing authorities and other entities that exist in Taiwan. That is all the Senate has the authority to do. But the amendment offered by the Senator from North Carolina goes further and attempts to define the status of Taiwan under international law, which is beyond

the province of the Senate of the United States.

Mr. HELMS. This Senator has not done anything except state what international law is. I went down the four points generally accepted in international law and the Senator said yes to each one of them. So, in effect, what the Senator says was that the people on Taiwan have sovereignty. But we have made a pretty good legislative history here.

Is there no way that we could modify this amendment so that it would be more appealing to my friend? I will be willing to strike the word "sovereignty" and insert the word "security" if that will help.

Mr. CHURCH. Yesterday the Senator had more amendments accepted to this bill than any other Member of this body.

Mr. HELMS. I appreciated the distinguished chairman's cooperation and comity.

Mr. CHURCH. And I would appreciate it very much if as a reciprocal gesture the Senator would withdraw this amendment.

The PRESIDING OFFICER. All the time on the amendment has expired.

Mr. JAVITS. I yield him time on the bill.

Mr. HELMS. As I said earlier, Mr. President, there was a total period of 3 hours set aside for three amendments by the Senator from North Carolina, and I am willing to dispense with two of them provided we can ventilate this one a little bit.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I do not have any time, but I am sure the Senator from New York will yield time.

Mr. JAVITS. I yield time.

Mr. GOLDWATER. I have been listening to this debate, and I have read the Senator's amendment. I might say for the edification of my friend from North Carolina that I discussed this with the Taiwan people. In fact, I first discussed it when they were summarily tossed out of the United Nations.

You can very well call yourself another nation. You do not have to be a part of China.

And I took this matter up again in a friendly way with Ambassador Shen, and he did not make any comments about it.

I hate to find myself in the position of disagreeing with my friend, but I do believe that if Taiwan is to become a separate nation it is up to the people living on Taiwan to make that decision. I really do not think that we have the power. As I say, I have agreed with my two friends from the Foreign Relations Committee before but damn seldom, but I find myself in agreement with them this time.

Mr. HELMS. I say to the Senator, if the able chairman will yield to me, I do not propose nor does this amendment propose to stipulate what either China may do or be. This amendment is simply for the purposes of the U.S. Senate understanding the role of the U.S. Government in this thing.

I am perfectly willing to strike the word "sovereignty" and substitute therefor the word "security." I am not trying to take over any responsibility of either Peking or Taiwan.

This amendment does not declare Taiwan a nation. It only stipulates that it is an entity, which it is, and which has been admitted, acknowledged, on this floor. It is an entity with which we can legitimately deal.

I say to my friend from Arizona there is no disagreement between him and me. I shall always be distressed when there is.

But I say again that while the distinguished Senator from New York, the distinguished Senator from Idaho and some of the rest of us have worked hard on this thing, it is still going to be a lawyer's paradise. It could be described as the Lawyers' Relief Act of 1979.

The PRESIDING OFFICER. The question before the Senate, as the Chair sees it, is the Senator from North Carolina has requested that 2 hours on the other two amendments be transferred to the pending amendment before the Senate. Is there objection?

Mr. HELMS. Mr. President, we do not need that. I thought we could abandon the time, and we are just about through.

Mr. CHURCH. There are some other amendments we need to take up at some other time.

The PRESIDING OFFICER. The request is withdrawn.

Who yields time?

Mr. HELMS. I wish to speak frankly with the chairman and ranking Republican of the committee, and I ask that it be in order for me to suggest the absence of a quorum, with the time charged to no one.

Mr. GOLDWATER. Mr. President, can I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Do I understand that we vote on this matter by 5 o'clock regardless?

The PRESIDING OFFICER. The Senator is correct.

Mr. GOLDWATER. I thank the Chair.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have been very pleased with the legislative history that has been made here in discussing this amendment. I think nothing more can be accomplished by a rollcall vote, whether it went with me or against me.

I want to say to my friend from Idaho and my friend from New York that I appreciate their candor in their effort to clarify certain issues, and I think they have.

With that in mind and with my gratitude to them, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CHURCH. Mr. President, I want to thank the distinguished Senator from North Carolina for his cooperation. I am grateful to him for withdrawing the amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UP AMENDMENT NO. 44

(Purpose: To provide for the maintenance of the appropriate number of offices for the Taiwan Institute)

Mr. HATCH. Mr. President, I offer an amendment to permit the people on Taiwan to maintain the present number of offices they have in the United States. I take this action to promote what I see as one of the goals of the piece of legislation before us today. So I call up an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an unprinted amendment numbered 44:

On page 13, line 25, insert the following new section:

SEC. 113. (b) The President is authorized to extend to the instrumentality established by the people on Taiwan—

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 25, insert the following new section:

SEC. 113. (b) The President is authorized to extend to the instrumentality established by the people on Taiwan, that in order to continue the present range of commercial, cultural, economic, and other relations with the people of Taiwan, the representatives of the people of Taiwan should be allowed to maintain the same number of offices and complement of personnel as previously operated in the United States by the government recognized as the Republic of China prior to January 1, 1979 upon the condition that the American Institute in Taiwan is reciprocally allowed such offices and personnel.

Mr. HATCH. I offer this amendment to permit the people of Taiwan to maintain the present number of offices they have in the United States. I take this action to promote what I see as one of the goals of the current piece of legislation before us today. The administration has been outspoken in its intent that all existing agreements with Taiwan, commercial, cultural and others, will continue in ef-

fect except for termination of the defense treaty. I point out to my colleagues that aside from the defense and mutual security agreements between the two parties, there are accords in the following fields: Agricultural commodities, atomic energy, aviation, claims, customs, economic and technical cooperation, education, finance, health and sanitation, investment guarantees, a language and area study school, maritime matters, narcotic drugs, postal matters, relief supplies and packages, scientific cooperation, surplus property, taxation, trade and commerce, and visas. In order to maintain all of these agreements, it would become necessary for both the United States and the people of Taiwan to maintain a large staff in each locality.

Mr. President, all of the agreements which I mentioned previously have led to a substantial investment by the U.S. business community in Taiwan. It is estimated that the total U.S. financial commitment in Taiwan is nearly \$3 billion, including both government and private investments and loans. It is an acknowledged fact that the trade between the two nations has reached a significantly large amount. For these reasons I feel it becomes imperative that the people of Taiwan be able to maintain an adequate number of offices in this country to maintain the business and commercial as well as cultural and social ties that they have with the American community.

This issue came up in the hearings before the Foreign Relations Committee and I would like to relay a part of that debate to my colleagues here today. During these hearings, Senator STONE questioned Mr. Roger Sullivan of the State Department concerning the issue of the number of offices and their staffing that would be allowed the Republic of China. The dialog went as follows:

Senator STONE. Can I turn briefly, then, to Mr. Thomas? Mr. Thomas do you or Mr. Sullivan have any idea as to whether we are going to require a reduction in the number of staffing of offices that the Republic of China now maintains when and if they establish other relations with us? Are we telling them that they cannot have the same offices and the same number of personnel?

Mr. THOMAS. May I defer to Mr. Sullivan, please?

Senator STONE. Yes.

Mr. SULLIVAN. Yes, Senator. We have told them that they can keep four offices other than the main offices.

Senator STONE. How many do they have now?

Mr. SULLIVAN. I think they have 14.

Senator STONE. How can we continue to do \$7 billion worth of business for which they have 14 offices by telling them they can have only 4?

Mr. SULLIVAN. We think 14 offices is excessive to their needs.

Senator STONE. But they think that 14 offices takes care of their needs.

Mr. SULLIVAN. They have specifically said, Senator, that one of the reasons why they need many of those offices is to maintain their relationship with the Chinese communities in those cities and we think it would be inappropriate to have a Chinese civil war imported into our cities.

Senator STONE. Is that what their offices are doing, maintaining a Chinese civil war?

Mr. SULLIVAN. Well, they have told me the purpose of some of their offices is to maintain contacts with the Chinese community,

and we do not think it appropriate to allow them to have more offices than they need to maintain the practical relationships between us.

Senator STONE. Do you mean they can only have those offices which deal with American citizens, not with American citizens of Chinese origin?

Mr. SULLIVAN. American citizens. We do not make a decision between Americans of Chinese origin or any other origin.

Senator STONE. You just did.

Mr. President, I do not think that 14 offices is excessive in view of the large amount of trade between the two parties. The business community of the United States is widespread, and the headquarters of many large corporations are in various cities. In order to expedite matters of business it makes it simple to have offices and representatives in regionally located offices. Fourteen offices would be about the right number to achieve this goal.

The economic aspect of this problem is only one part of the issue. The administration has also stressed the continued culture and social relationship with Taiwan. A large number of the American-Chinese communities have ties in Taiwan. They look to the offices of Taiwan to nurture the Chinese culture they hold so dear. I would dare say they would find little assistance from the offices of the People's Republic of China, a Communist nation. Yet Mr. Sullivan of the State Department spoke of a Chinese civil war. I find this quite contradictory. We are writing safeguards for Taiwan's security into this legislation and refusing to allow them offices in this country on the grounds it will bring a Chinese civil war to American cities. What I think the real issue is, concerns more economic matters than those of a civil war. The People's Republic of China would like to eradicate all Taiwanese presence in this Nation. To them, the 14 offices might be a loss of the so-called oriental "face." It matters not that there might be a need for these offices. It matters not that both the American and Taiwanese business communities desire them. All it appears the administration is interested in doing is appeasing the Red Chinese. I think it is time we look at what we need from this agreement. Let us save our "American face."

Mr. President, as I understand it, the managers of the bill have agreed to take this amendment, as modified, and it will read as follows:

Section 113(b) the President is authorized to extend to the instrumentality established by the people on Taiwan, the same number of offices and complement of personnel as previously operated in the United States by the government recognized as the Republic of China prior to January 1, 1979, upon the condition that the American Institute in Taiwan is reciprocally allowed such offices and personnel.

I am very grateful to the managers of the bill for being willing to take this amendment in this form, and I would like to express that appreciation at this time.

Mr. CHURCH. Mr. President, the amendment in its modified form is acceptable to the managers of the bill. It was worked out in collaboration with the distinguished Senator from New York, the ranking Republican committee mem-

ber. I therefore assume that I can speak for him as well as for myself in indicating the amendment is acceptable.

Therefore, I am prepared to yield back to the remainder from my time, if the Senator from Utah will do likewise.

Mr. HATCH. I yield back the remainder of my time and move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. I thank the managers of the bill for their cooperation.

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, the Senate will soon be voting on final passage of S. 245 after 6 weeks of consideration in committee and on the floor. It has made some minor improvements in a bill which, in its original form, largely disavowed the Republic of China and left it to its own fate. In committee, it is important to note that a security section was included, as was a definition of the "people on Taiwan" that specifically cites the country's government. Similarly, a handful of constructive amendments were adopted on the floor. The Senate voted to create a Joint Commission on Security and Cooperation in East Asia, and to include a reference to Taiwan's membership in international organizations. It passed language that will secure to the ROC a steady supply of nuclear fuel from the United States. Reporting requirements were added under which the President will have to report to the Congress on prospective arm sales both to the Republic of China and to Peking.

So the legislation is slightly better. But it is still not good. In essence, the Senate made slight improvements within the framework sent to it by the President, but unfortunately stopped short of making any real changes in that framework itself.

There are two main aspects to the President's basic policy, both of which have emerged largely unscathed. One is the absence of any recognition of the legitimacy of the Republic of China's Government. The other is the absence of a specific commitment to the security of Taiwan either from a military or from an economic point of view.

Mr. President, the announcement by President Carter which established the fundamental policy we have been elaborating was described by Dr. Ray Cline of the Georgetown Institute on Strategic and International Studies as a "hasty, ill-conceived decision . . . to sell out Taiwan lock, stock and barrel, territory and people to the Communist regime in Peking, the People's Republic of China."

Clearly, the Congress has no power to recognize or derecognize a country. That is strictly the prerogative of the Presi-

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dent. Still, options were open to Congress which it unfortunately did not choose to pursue. It could have passed sense of Congress language urging President to renew diplomatic relations with the Republic of China. At the very least, it could have established that United States-Republic of China relations would be conducted on a government-to-government level.

The most eloquent reason arguing in favor of the exchange of liaison offices is simple fairness. At the time that we did not recognize Peking, our relations with that country were conducted through liaison offices. Why not do so now with Taiwan? It is, moreover, the height of absurdity to suddenly adopt the legal position that there is no Republic of China; that the government which effectively controls the 17 million free Chinese on Taiwan has suddenly vanished into thin air.

I am similarly concerned about the absence of adequate language on the question of Taiwan's future security. We have had at least one opportunity to make a commitment to the survival of Taiwan in the context of a military threat. Last week, the distinguished Senator from Illinois (Mr. PERCY) introduced an amendment establishing as our policy that the use of force to settle the Taiwan issue was a "threat to the security interests of" the United States. In my view and that of others this was the very least we should have been prepared to approve. As the amendment's own sponsor asserted, it in no way even pledged us to defend Taiwan with our own military force.

But the administration opposed even this slight change in the wording. During consideration of the amendment we heard much rhetoric on this floor about the need to have a vote in support of the President, given the crucial negotiations he was engaged in in the Middle East. It is amusing that, as the distinguished Senator from North Carolina (Mr. HELMS) noted on the floor, that very morning a constituent had observed to him that this would be the very argument used to sway votes. In the end, the amendment of the distinguished Senator from Illinois was defeated.

Nor has Taiwan, in my opinion, been properly protected against the threat of embargoes by the PRC. This, Mr. President, is a very real threat. According to Robert B. Parker, president of the American Chamber of Commerce in Taiwan, it is already happening. The PRC, for example, refuses to honor American Express travelers checks because that company operates in Taiwan. At the same time, Pan American World Airways suddenly dropped its scheduled service to Taipei—and a few weeks later made a major hotel deal with Peking. According to Mr. Parker, Ambassador Leonard Woodcock has "inadvertently confirmed the existence of such a boycott when he said that Pan American is now the favored U.S. carrier in China and that no U.S. airlines will be granted landing rights on the mainland as long as it serves Taiwan."

So the problem exists. It has serious implications—and, although it is against the Export Administration Act for American companies to be parties to such boycotts, there has not been a single investigation of the matter that I am aware of by the U.S. Government. It is a positive contribution that, in the course of the colloquy on this floor, the Senate made legislative history that such economic boycotts be interpreted by the United States as a threat to the survival of Taiwan. Nevertheless, I regret that it was impossible to include language explicitly expressing that feeling, such as has been done by the other Chamber.

In summary, Mr. President, we have made some improvements in what has been described as the "unprecedented, indeed bizarre"—and certainly inadequate—proposal submitted to us by the President. We cannot measure our success, however, on the basis of relative improvement. The only significant yardstick is whether or not we have provided security for Taiwan's future territorial integrity. Sadly, in my opinion, we have not.

Mr. President, the decision, in effect, to disavow Taiwan will have serious repercussions throughout the world. At the very least, it will strengthen the already substantial concerns of many of our allies, encouraging them to give still more serious thought to political realignment. It is safe to say that, at this moment, leaders of many small countries which have heretofore been U.S. allies are asking themselves, "Will we be next?" We already know that the President's decision sent a tremor through Israel, making many of its leaders reluctant to trust any U.S. guarantee of protection. Our new Taiwan policy has seriously affected the integrity of our international alliance system and our credibility worldwide as an ally.

The President's decision and its execution are as inept an exercise in foreign policy as we have witnessed for a long time. In the first place, all but the staunchest supporters of President Carter agree that he did little more than cave in to Chinese demands without making any real attempt to negotiate conditions favorable to Taiwan. It has been pointed out repeatedly that the terms which he accepted—and which he has been seeking to portray to us as constituting a diplomatic coup—are exactly the same as could have been accepted by Presidents Nixon or Ford some years ago, but which both rejected as being tantamount to a sellout. The White House affirms that we were involved in intense negotiations—but who, in fact, made all the concessions? The answer is obvious: We did. I challenge anyone to point out to me a single substantive concession we received from Peking. In every case, the side to cave in was the United States; and the victim in every instance will be Taiwan.

The White House aggravated its diplomatic mistake by the cavalier manner it adopted toward Taiwan immediately after the decision was reached. Both the President of the Republic of China and its ambassador to this country were given

notice of only several hours of the December 15 announcement which has so radically altered the position of their country. During subsequent negotiations, it put increasing pressure on the ROC Government to accept all its terms, including the concept of strictly unofficial relations. Taiwan reluctantly accepted this arrangement; incidentally, only days before the old relations were to lapse altogether, and it is safe to assume that the fear of having no relations at all played a major role in its final acquiescence. Finally, in what can only be described as a petty gesture, the administration sought, through a legal maneuver, to hand the diplomatic real property of the Republic of China to the PRC.

Mr. President, I have been to Taiwan, and I have been impressed and inspired by the dedication and achievements of its people. As Dr. Ray Cline has stated,

Taiwan is an island of hope, prosperity, and human liberty in an Asian sea of poverty and turbulence. There the best of American and Asian political philosophies and economic technologies have been blended to show how to modernize Chinese society without giving up freedom. The "modernization" of mainland China is a hope, a dream, quite possibly an impossible dream. In Taiwan it is a present reality.

I share Dr. Cline's grief that the United States has adopted a policy of premeditated murder of this gentle and prosperous land to use his words.

Mr. President, Senate consideration of the future of Taiwan will soon be history. Our new relationship with Taiwan will be inadequate regarding many fundamentals. The President made what has been described as a "morally shabby" deal with Peking, and, in many ways, our vote will serve to ratify that agreement. I can only hope that all of us will work diligently to protect Taiwan from the harassment, large and small, it will inevitably suffer from the PRC in years to come, and that our actions in the face of real threat to the survival of the ROC will be in keeping with the spirit of commitment to its future which has been expressed so often on this floor.

Mr. President, the President of the United States and the Senate are about to present the ROC an empty box. It is a box which is gaily wrapped, a box festooned with ribbons of vague phraseology. But it is an empty box, Mr. President, because it is empty of sovereignty.

The Senate, apparently is about to endorse President Carter's giveaway of Taiwan to the Communists. Implicit in the passage of this bill is the tacit acknowledgement of the Communists' contention that they own Taiwan.

Mr. President, I do not wonder that the world has fallen into chaos—that communism is everywhere on the advance. American leadership has lost its nerve—not her people, but her leadership.

Mr. President, I passed the statue of President Harry Truman as I entered the Chamber a few minutes ago. There was a man who called a spade a spade. There was a man who would have called President Carter's proposals just what they are: a shameless, cowardly sellout of a valuable ally.

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I shall not assist now in papering over President Carter's mistake with the impressive but essentially meaningless phrases of S. 245. I shall vote against it in the hopes the Senate will cause the President to return to the bargaining table to secure better terms for our good friends in the Republic of China, that we should have secured in the first place, and cause the President to reverse his decision to conduct relations between our nations on less than a government-to-government basis.

## UP AMENDMENT NO. 45

Mr. McCURE. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCURE) proposes an unprinted amendment numbered 45, as follows:

On page 9, line 10, following the word Taiwan, insert the following: "by the people on Taiwan."

On page 12, line 3, following the word Taiwan, insert the following: "by the people on Taiwan."

Mr. McCURE. Mr. President, this amendment merely states more explicitly what I believe is the obvious intention of this section of the bill. By making the bill clear, we shall prevent trouble that possibly could occur if the State Department claimed that the term "the law applied to Taiwan" means the law of the Communist regime on the mainland. Since the Carter administration wants the Chinese Communists to be viewed as the sole legal government of all China, including Taiwan—at least that is the legal framework for the agreement—it is important that the law which we pass be precise in saying that the law on Taiwan is the law which is recognized by the people on Taiwan. I think that that preserves and follows the format of the bill as presented to us.

I understand that the managers of the bill have the opportunity to look at this amendment and, while they do not necessarily embrace it with enthusiasm, they do not think it does violence to the bill. I hope that, if that is true, they can accept the amendment.

Mr. CHURCH. Mr. President, first of all, I think the record should be clear regarding the position of the United States. It is true that we have agreed in the Shanghai Communiqué entered into by President Nixon some years ago, and again at the time that President Carter normalized relations with the People's Republic of China, that the Peking government, as well as the Taipei government, both agreed that there is but one China, and Taiwan is part of that China.

The position of the Government of the United States is to acknowledge that the Chinese take this view. But the U.S. Government itself has not adopted this view, or any particular view regarding that matter.

As for the amendment offered by my able colleague from Idaho, I think that it bears out what the committee intended in the report on page 27 in the section-

by-section analysis of the bill; namely, section 110.

The committee says:

This section provides that when the application of United States law depends upon foreign law, the law actually applied by the people on Taiwan shall be looked to for that purpose. The provision does not affect the enforceability of judgments rendered by the courts on Taiwan.

So it is clear that the law to which the language of the statute itself refers on line 3, page 12, of the printed text is meant to be the law actually applied on Taiwan.

I think that the amendment suggested by the Senator would eliminate any possible doubt on that score, and bring the text of the bill into full conformity with the intention of the committee and the explanations contained in the committee report.

For that reason, I have no objection to the amendment. I would like to hear from Senator JAVITS, the ranking Republican member, before we proceed to a vote.

Mr. McCURE. Mr. President, while we are awaiting the expression of the minority floor manager of the bill, I might just remark in passing that I appreciate the comment that has been made. I appreciate also the chairman's pointing out that the report does, in effect, say precisely the same thing that this amendment says.

Oftentimes, there is a gap between the enforcement of a statute when, after the passage of some time, people forget what was in the report and read only what is in the statute. It would seem to me, to preclude that possibility as far as it is humanly possible, the statute should conform to the intention that is expressed in the report. I do not think this does vary from that intention.

I appreciate what my colleague from Idaho has said. I hope that the Senator from New York will come to the same conclusion and that perhaps this amendment will then be accepted.

Mr. CHURCH. Mr. President, while the Senator from New York is studying the matter, I would suggest to the Senator from Idaho that the best way to settle this is for him to trade this amendment for the other amendment, in which case we have everything settled.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. On the time of the bill.  
The PRESIDING OFFICER. On the time of the bill.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, the able Senator from New York has suggested a slight modification of the amendment. I believe that the sponsor of the amendment (Mr. McCURE) wishes to address that point.

The PRESIDING OFFICER (Mr. METZENBAUM). The Senator from Idaho.  
UP AMENDMENT NO. 45 (AS MODIFIED)

Mr. McCURE. Mr. President, I ask unanimous consent that the wording of the amendment be changed to read "by the people on Taiwan." So that the wording on line 3 of page 12 with the change would be "The law applied by the people on Taiwan."

I would ask that a similar change be made in the second place that is referred to in my amendment, and that the amendment be modified accordingly.

Mr. JAVITS. That is the second page?

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Would the Senator be good enough to send his amendment to the desk?

Mr. McCURE. Yes.

Mr. President, the amendment would then read as follows, and I will send it to the desk, that on page 9, line 10, following the word "applied" insert the following, "by the people."

On page 12, line 3, following the word "applied" insert the following: "by the people."

It has the same effect and is consistent with the words of art that are used throughout the bill and in the report.

Mr. JAVITS. Would the clerk state the amendment as modified?

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 9, line 10, following the word "applied" insert the following: "by the people."

On page 12, line 3, following the word "applied" insert the following: "by the people."

Mr. JAVITS. Mr. President, the amendment is acceptable to me.

Mr. CHURCH. Mr. President, as I already have indicated, the amendment is acceptable to me. If the Senator from Idaho will yield back the remainder of his time, we will yield back ours.

Mr. McCURE. I yield back the remainder of my time on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

## UP AMENDMENT NO. 46

Mr. McCURE. Mr. President, I have a second amendment, which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCURE) proposes an unprinted amendment numbered 46:

On page 14, line 6, following the word "peaceful", insert the following: "and voluntary"

Mr. McCURE. Mr. President, section 114 of the bill expresses our grave concern for the military security of Taiwan. We should also point out that attempts to destroy the freedom and prosperity of free China which do not involve military invasion are also of concern to us. I think that throughout the debate we

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have said so, in a variety of ways, in the bill and in the report. We have said that is what our concern is.

Economic strangulation could be attempted through political blackmail, boycotts, attempts to interfere with international trade of Taiwan or claim its foreign assets. These efforts will not succeed if major trading partners such as the United States and Japan refuse to go along. However, complicity on our part would put our longtime friend, the Republic of China, in the untenable position of having to submit to the Communists' demands or face economic collapse.

Therefore, I believe it is necessary for us to state clearly at the outset of our formal relations with Red China, that any such act, whether unilateral or through international organizations, will be opposed by the United States. By adding the word "voluntary" to this section, we put on notice the Communist rulers of the mainland and our friends in the State Department that any attempt to place the people of Taiwan under a Communist subjugation by military conquest or economic strangulation is of grave concern to the United States.

Mr. President, it is my understanding that there is some concern about this language. I hope that concern is expressed not in terms of the objective of this language, but I am perfectly willing to discuss with the managers of the bill the effects or the proposed effects of the terms that say that this should be voluntary.

It seems to me that that is really our intention as we go through the entire discussion of this bill over the last 2 or 3 days in the Senate. It will be my hope that it is not our intention, conversely, to say that the reunification or the joiner together of these two parts of China, as properly has been stated—both the government in Taipei and the government in Peking have indicated that is their view—will not be accomplished by means that are other than voluntary, according to the procedures in effect under the rubric used in this bill of "the people on Taiwan."

The question of whether or not the people on Taiwan may agree or disagree certainly should not detract from the basic premise upon which we proceed, that the people on Taiwan have an existence that is somewhat different from that of just another province of China. We certainly are not setting up a parallel procedure for dealing with other provinces of the People's Republic. Therefore, we do have a special relationship with the people on Taiwan; and without calling them a government, we have carefully called them, throughout, the people on Taiwan.

I am not trying to indicate by this that we establish that voluntarism by any means other than that which is acceptable and usual to the forms and the laws in effect, under the rest of the theory of the bill, with respect to the people on Taiwan.

Mr. President, I reserve the remainder of my time.

Mr. CHURCH. Mr. President, the objection we have to this amendment is

that it again interjects us into a Chinese question.

The interest of the United States has nothing to do with whether the mainland and Taiwan are reunified as long as the Chinese decide that question peacefully. We have an interest in the peaceful resolution of that question. We recognize that it is a Chinese question, not an American question. Our only interest is that, when and if it is possible for the Chinese themselves to settle the question, it be settled peacefully.

That is what was said in the Shanghai Communiqué entered into by President Nixon in his much-praised opening to China. The same interest was reiterated by President Carter when he decided to consummate what Nixon began, with the recent normalization of relations between the United States and the government in Peking. The same terminology is used in the pending bill.

If this amendment were adopted, we would be interjecting for the first time a new word. I suggest that it is difficult, if not impossible, to know what that word means in the context of this particular question.

For example, the bill defines the people on Taiwan as, first, the governing authority on Taiwan, which was recognized by the United States prior to January 1, 1979 as the Republic of China, and also as its agencies, instrumentalities, and political subdivisions, and finally as the people governed by it in the islands of Taiwan and the Pescadores. So in the definition of "the people on Taiwan," we include both the governing authorities and the people. If we interject the word "voluntary" as the Senator from Idaho proposes, many questions would immediately arise.

How does the United States determine whether or not some future agreement between the Chinese has been voluntary? What, indeed, does "voluntary" mean when we are dealing with two authoritarian governments, neither of which rests upon the consent of the governed in the sense that our Government does?

Does "voluntary" refer to some future pact between the Taiwan authorities and their counterparts in Peking? Is it adequate if the authorities at the top voluntarily agree? Or is it necessary, before this standard is satisfied, that some kind of referendum be held and that the people give their consent in national elections? If one would go that far, then how could we ascertain whether those elections were in fact free?

It is obvious that this amendment is fraught with problems. I suggest that it would be unwise to adopt it, particularly in view of the assurance we give the people on Taiwan contained in subsection 1 of part (b) of section 114 of the bill, which reads:

The United States will maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security or the social or economic system of the people on Taiwan.

What more can we do than that?

The committee has gone very far to give all the necessary assurances to the people on Taiwan, mindful as we have been all along of the alliance that has

existed between those people and ourselves. This amendment would not clarify our intention; it would cloud our intentions with ambiguity.

Therefore, it is the feeling of the committee, insofar as I can speak for the committee as manager of this bill, that the amendment offered by the Senator from Idaho—though I am sure it is well intended—should not be approved.

Mr. JAVITS. I yield myself 5 minutes.

Mr. President, this amendment raises very much the same issue which we found so troublesome with the amendment of Senator HELMS, in the sense that it seeks to take us out of the area of unilateral declaration as to what we will do in given circumstances and makes us dictate or prescribe what the people on Taiwan will do.

And, the difference is the difference between a state of facts and a state of mind. A state of facts, which we can find out ourselves and objectively ascertain, is we believe there has been coercion or we believe there has been force or blockade or boycott. That is a state of facts which is perceptible by factual proof. On the other hand, the word "voluntary" is a state of mind of the people on Taiwan. God knows what secret, clandestine, Byzantine propositions may have influenced them so that it is involuntary and how much argument, almost theological, there can be as to whether it is voluntary or involuntary.

As Senator CHURCH, and I associate myself with everything he said, has properly outlined, what indicia are we going to have of voluntarism, a vote, a constitution, a plebiscite, a Harris poll? It simply puts us, in my judgment, in the untenable situation of trying to penetrate the mind of the Taiwanese, instead of allowing us to make our decisions based upon factual evidence, and those factual evidences are now fully incorporated in the bill. Therefore, in my judgment to add this additional qualification relating to the state of mind of 17 million people would make it impossible and would be cause for all kinds of controversy, mischief, claims, and counterclaims.

Hence, I really do not see how we can find our way out of this except by the Senate voting it up or down. I hope very much the Senate—having labored now through the process, and we have taken many amendments which have fortified, locked in, insured everything that we can do unilaterally to preserve the economic and social system on Taiwan—will not now undo everything it has done by adding this new test which depends upon the state of mind of the people on Taiwan and, therefore, would completely change and make impossible the administration of the concept upon which this bill is based.

Mr. McCURE. Mr. President, I am not sure whether I thank my friends from Idaho and New York for their commentaries on the amendment, because I am not sure whether I understand what it is they have been trying to say, and that perhaps is my lack of understanding or perhaps the artfulness of their argument.

As I understand what they have tried

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to say it is that everyone understands the words "force" and "coercion," but they do not understand the term "voluntary," and I can proceed to a dictionary and look up the term "force". I could raise some issues about what is force and what is not force and say there is all kinds of ambiguity in that term, but that is not so ambiguous that we cannot use it. I could get the definition of the term "coercion," and supply it for the Senate, and I could raise some questions about whether or not that term is precise or ambiguous, and apparently it is precise enough for some and too ambiguous for others.

And similarly the term "voluntary," and I understand what my friend from New York has said with respect to a state of mind, but certainly the actions that are taken tell what the state of mind of the legal authorities is. We do recognize legal authorities on Taiwan. We do that throughout. If they took actions pursuant to their laws that were set in conformance with their laws, to say that this reunification was what they desired to do, in accordance with their laws, not ours, their understanding, not ours, their state of mind, not ours, their judgment of their state of mind, not ours, it would satisfy the requirements of this amendment.

But I guess beyond that what concerns me is the unspoken, the other side of this issue. What happens if as a matter of fact the People's Republic of China attempts to enforce some action against the people on Taiwan and attempts to exert pressure to force them to give up their demand for independence? Would we then say that that was coercion?

Is my friend from New York prepared to say that the U.S. representatives to multinational organizations will resist the efforts made by the People's Republic of China to force the people on Taiwan to give up their claim of independence?

My understanding from the earlier debate is that no, we would not, that apparently the term "force or coercion" is ambiguous enough to permit them to use that kind of force and coercion. I might ask my friend from New York if that is correct.

Mr. JAVITS. Give me a minute and I will comment on it.

Mr. McCURE. All right.

Perhaps my friend from Idaho would like to answer the question as to whether or not the U.S. representatives in international organizations will be instructed by this statute to resist the attempts to use membership in or activities of multinational organizations to protect the people on Taiwan against the attempts by the People's Republic of China to exert pressures on them toward their relinquishment of their independence.

Mr. CHURCH. I am sorry but I think I only heard part of the question and, therefore, I am not in position to respond.

Mr. McCURE. I will try to rephrase the question, because it has been argued that the term "voluntary" is ambiguous but that the terms "force" and "coercion" are well understood and unam-

biguous. If, indeed, the terms "force" and "coercion" are so unambiguous that they do not need any further definition by the term "voluntary," then I would like to ask whether or not it is the understanding of the managers of the bill that the U.S. representatives being directed by the congressional expression in this statute, this bill before us today, S. 245, as amended, will resist the attempts if made by the People's Republic of China to exert pressures upon the people on Taiwan through multinational organizations, their memberships in those organizations, or their rights to be represented there.

Mr. CHURCH. As the Senator knows, the instructions given to our representatives in multilateral institutions are given by the executive branch of the Government. Therefore, I am not in a position to respond to the Senator's question.

However, I would draw his attention to the fact that on page 14, beginning on line 14, the phrase in question is:

The United States will maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

In other words, the term "coercion" as as used in the bill does not exist in a vacuum. It is related to the other words in the phrase, and those other words are directed toward the security of the people on Taiwan and toward their social or economic system.

The forms of coercion referred to are forms of coercion that would jeopardize their security, or the social or economic system that exists on the island.

Mr. McCURE. Might I say to my friend, first of all, that indicates the term "coercion" is ambiguous and requires some understanding, and that it also would require a judgment on our part as to whether or not it would jeopardize the security or the social or the economic system of the people on Taiwan. That is a matter of judgment equally as grave and equally as difficult as the judgment of whether or not the action take is voluntary.

But let me point out beyond that that the section to which he refers is subsection (b), a subsection under that, in order to achieve the objectives of this section.

The section that I seek to amend is on the same page, line 6, in that expectation upon which this whole thing is premised. It has nothing to do with whether, a test of whether or not, we will recognize the action. As the Senator from New York has suggested, it has only to do with what is our expectation at this time of the matter by which the dissolution of the independence of the people on Taiwan might be effected in the future.

It seems to me that since that is our expectation we ought to be able to say that we think that whatever the process may be it will seek the voluntary action of the people on Taiwan, however, that may be expressed, pursuant to their own forms and their own laws.

If that is not our expectation—and certainly that must be read into the rejection of it—then we are saying, in

effect, that there are some circumstances under which we would expect perhaps that the People's Republic of China would force the people on Taiwan to accept a change by means other than voluntary. That is one of the things that a number of us have been very concerned about and, as I had understood my colleague from Idaho to be concerned about, whether or not this could be a peaceful and voluntary evolution or whether or not it would be effected by other means.

Mr. President, I reserve the remainder of my time.

Mr. CHURCH. Mr. President, I made the argument against this amendment. I think the argument still stands. It is much easier to legislate against such actions as may be coercive or forceful than it is to either define or enforce affirmative standards.

I have tried to explain the difficulties involved in knowing what is meant by "voluntary," given the circumstances of the case, and there is no need for me to reiterate those arguments at this time.

My colleague from Idaho has asked what American policy might be relative to membership by the Taiwanese in certain international organizations.

Earlier in the debate, either yesterday or late last week, an amendment by Senator HOLLINGS from South Carolina was approved making clear that nothing in this bill affects in any way American policy relating to Taiwan representation or Taiwanese representation in international organizations. The bill does affect this one way or another.

I think I came to a period, I am not quite certain, but I believe it was a complete sentence. [Laughter.]

Mr. McCURE. If it is not I am sure the Record will be corrected to reflect it.

Mr. CHURCH. In any case, Mr. President, we are about out of time and I think we have made the argument against the amendment.

I believe it will be unwise of the Senate to adopt this amendment. It would add confusion and not clarification, and it would be at variance with the stated policy of this country under two administrations, one Republican, the other Democratic.

So, for these reasons I hope the Senate will reject the amendment.

Mr. JAVITS. Mr. President, I yield myself 3 minutes merely to point out that I state, as the draftsman, that the legislative intention, as I understand it, is that the words "by peaceful means" on page 14, line 6, exclude the facts or the situation referred to on page 14, lines 15 to 17, inclusive, to wit, "any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan." There will be no argument or question as to our construction of the words "will be by peaceful means," and the reason I say that is because I think this is, with all respect, a very bad amendment, because it depends on the state of mind of the people on Taiwan. We cannot go into that.

We can, and it is an absolutely normal and commonsense experience, make an assessment as to the use of force or

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other forms of coercion that would jeopardize the security or the social or economic system of the people on Taiwan. Those are acts not states of mind. So I oppose the amendment.

Mr. McCLURE. Mr. President, I do not want to get this dialog locked into the framework of pride of authorship, pride of authorship on behalf of the committee that thinks they have considered every eventuality and take pride in their work product, or the pride of authorship of the Senator who offered this amendment who believes this is a constructive addition to the meaning by offering the word "voluntary," and I think that is where we have got ourselves locked in now.

The Senator from New York says he thinks it is a bad amendment, because he thinks it would be difficult to determine whether or not the actions are voluntary but, at the same time, we can assess the factor that there has been force or coercion.

To me, if you can assess the facts to determine whether it was voluntary you can assess the fact of whether there has been force or coercion. I do not want to get locked into that impasse of difference of approach to an identical problem, to an identical objective.

If I read correctly or hear correctly what the Senator from New York said in terms of what the word "peaceful" means, what it is to actually expect, and whether we use the term "peaceful" or whether we use the term "voluntary" our expectation is that whatever may be done to resolve the issue of Taiwan—and that is the context of the language in this section—will be done as the result of the will of the peoples involved and not by force or coercion brought upon the people of Taiwan by any other force.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield to Senator from New York.

Mr. JAVITS. I cannot accept that. The words stated mean to me the will of the people on Taiwan. That is the toughest thing in the world to define. But let me state what I am saying. Any resolution of the Taiwan issue will be by peaceful means, and that includes any resort to force or other forms of coercion that would jeopardize the security or the social or economic system of Taiwan. That is out.

In other words, we incorporate that concept as the negative of the words previously mentioned.

Mr. McCLURE. I see.

Mr. JAVITS. If we stay with that, I am all with you, and that is the legislative intent.

Mr. McCLURE. I understand what the Senator is saying. He has repeated again the language of subsection (2).

Mr. JAVITS. Right.

Mr. McCLURE. And again the language of subsection (b) (1).

Mr. JAVITS. Right.

Mr. McCLURE. But he has done so in the context of a discussion of whether or not it is voluntary. If we can set aside for a moment—I used the term "the will

of the people of Taiwan." I certainly would not want the record to indicate the Senator from New York is suggesting that this action be taken against the will of the people of Taiwan.

Mr. JAVITS. Of course not. And I did not say that.

Mr. McCLURE. All right. Second, I would like to point out that that same curious lack of a positive is apparent in the amendment to which my colleague from Idaho referred earlier, of Senator HOLLINGS. I read:

Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of the people on Taiwan from continued membership in any international financial institution or any other international organization.

But it does not say that we will resist that exclusion.

I would think that in the context of this discussion, and again not to complicate the discussion, we are again saying that our expectation is that the resolution of the issue on Taiwan will be done without force or coercion, and I will not use the term "voluntary," I will not use the term "according to the will of the people on Taiwan," but express it in the opposite way, that says our expectation is that coercion and force will not be used. If that is our understanding of the terms that are meant, in the context of my having offered the word "voluntary," and that having caused some difficulty, I would be prepared to withdraw the amendment.

Mr. JAVITS. There is only one qualification, and that is coercion of the size, character, and quality that would jeopardize the security or the social or economic system of the people on Taiwan.

Mr. McCLURE. I understand what the Senator is saying, but again recognize that that requires a judgment, a judgment difficult to make, and perhaps just as subjective as what is in the state of mind of the people on Taiwan.

Mr. JAVITS. That is our criterion. Sure, it calls for a judgment, but at least a judgment based on acts. That is all I say, and that is what we are saying.

Mr. McCLURE. Again I would say to my friend from New York whether or not it is voluntary, you say, is in the minds of the people on Taiwan. That could be a judgment we make, based upon our evaluation of the way in which it has been expressed. The Senator rejects that. I have just as great difficulty with accepting the question of whether or not coercion is sufficient to threaten—

Mr. JAVITS. To jeopardize.

Mr. McCLURE. To jeopardize the security or the social or economic system of the people on Taiwan. That is still to be judged on the basis of the future facts. I hope that the record is clear that the United States is in a position not only to reject the attempts to coerce, but to resist the attempts to coerce. We have entered into a mutual defense treaty with a government that does not exist any more. We have given notice of the abrogation of that treaty, although I suppose under that treaty we are still bound to defend a government that does not exist for the year in which the treaty

does exist, as I understand the legal figments under which we are operating here.

But, again, with the assurances of my colleague from Idaho and my friend from New York, I will withdraw the amendment.

Mr. CHURCH. Mr. President, I thank my colleague for withdrawing the amendment and engaging in the colloquy.

Mr. JAVITS. I thank the Senator also.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. GOLDWATER. Mr. President, will the Senator from Idaho yield me a minute or two, so that I may explain my position on this measure?

Mr. CHURCH. Surely; I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, at the outset of these several days of debate on this matter, I said I would support the legislation. I rise to say, Mr. President, that I have changed my mind. I cannot support this, as much as I would like to support it.

We had several chances during the course of the debate to have cleared some things up that need clearing up badly, chief of which is the position of the Senate in future treaty negotiations, should they be created, on abrogating.

Because of the failure of several amendments to pass which I think would have added some muscle and strength and meaning to this measure, Mr. President, I very reluctantly have to say that I will vote against it.

That does not take away for one moment from my appreciation for the very hard work done by the managers of the bill. They have come up with something that was better than nothing; but it is not good enough.

I thank the Senator for yielding.

Mr. THURMOND. Mr. President, I rise in support of S. 245, the Taiwan Enabling Act. My support, however, is not without reservations. The issues involved are complex and the implications of this legislation are enormous. In the final analysis, however, I concur in the opinion of the Senate Foreign Relations Committee that this "bill as amended and approved will, if implemented properly, enable the United States to continue to have a close and friendly relationship with the people on Taiwan while simultaneously developing a mutually beneficial relationship with the People's Republic of China."

Mr. President, let me make clear at the outset that I emphatically do not condone President Carter's withdrawal of diplomatic recognition from a long-time ally and friend, the Republic of China (Taiwan). As pointed out in the additional views of Senator HELMS of North Carolina to the report of the Senate Foreign Relations Committee on the Taiwan Enabling Act—

This precipitant action not only was unnecessary, it came at the worse possible time. As the world looked to the United States for a demonstration of resolve and fidelity after a period of growing setbacks for American interests, the world saw instead vacillation, weakness and betrayal of friendship in the derecognition of the

Republic of China. It is not up to the Congress to change that action. The President may choose the Nations he wishes to recognize, and which he does not. The issue of derecognition may well be a matter to be dealt with in the 1980 Presidential Elections. That is a more proper form of settlement of that issue.

The essence of this legislation, S. 245, is to preserve existing commercial, cultural and other unofficial relations by authorizing the continuation of existing agreements, statutory programs and other relevant sections of U.S. laws.

This legislation creates an American Institute in Taiwan, a private nonprofit corporation which is the entity through which future relations between the United States and the people on Taiwan are to be primarily conducted. The activities of the Institute will be governed and controlled by a contract executed between the Institute and the Department of State. Although I would prefer that relations be handled through official channels; namely, liaison officers. I think the Institute is workable and therefore not a serious impediment to enactment of this legislation.

Mr. President, I feel that it is significant that this legislation provides for the continued security of Taiwan, both in an economic sense, and a military sense. Among other things, this legislation provides that all treaties and other international agreements in existence between the United States and the Republic of China (Taiwan) will remain in force. Thus, we may be assured that the strong cultural and financial ties between the People on Taiwan and the United States will continue.

Mr. President, the continued security of Taiwan is of grave concern to me. I am disappointed that the negotiations did not obtain firm assurances by the People's Republic of China that they would not try to reunite Taiwan with mainland China by use of force. Chinese leaders have recently made statements on a number of occasions indicating a desire for peaceful reunification, such as the statement made by Vice Premier Teng Hsiao-P'ing to the Senate Foreign Relations Committee during his recent visit to Washington that "so long as Taiwan is returned to the mother land, and there is only one China, we will fully respect the realities on Taiwan."

Other reports, however, are not so reassuring. The National Chinese News Agency recently reported that Teng stated on January 5 that "we cannot commit ourselves to use no other than peaceful means to achieve reunification of the mother land . . . we cannot tie our hands in this matter." The inherent instability of the present system of government in the People's Republic of China must be considered in dealing with that country. The instability of the present system is evident in the fact that Teng Hsiao-P'ing has been purged twice in the past and rehabilitated three times.

Caution must be exercised to avoid any policy that hinges on the personality of any individual who happens to be in power at this time. Moreover, there is

no established mechanism for the transfer of power within the framework of the present Government of the People's Republic of China.

It is in this context that legislation is critically important to reaffirm the U.S. commitment to the freedom and security of the people on Taiwan so that future changes in the Government of the People's Republic of China will not have an adverse effect on Taiwan.

A military invasion of Taiwan seems unlikely given the present military strength of Taiwan and U.S. commitments to continue arms sales to Taiwan. However, I am concerned that the People's Republic of China may use other pressure tactics to force reunification, such as an economic boycott, a military blockade, seizure of the offshore islands, or nuclear blackmail. For these reasons, I view section 114 of the proposed legislation, which was added by the Senate Foreign Relations Committee, to be essential to this legislation. The importance of this section cannot be over-emphasized:

SEC. 114. (a) It is the policy of the United States—

(1) to maintain extensive, close, and friendly relations with the people on Taiwan;

(2) to make clear that the United States' decision to establish diplomatic relations with the People's Republic of China rests on the expectation that any resolution of the Taiwan issue will be by peaceful means;

(3) to consider any effort to resolve the Taiwan issue by other than peaceful means a threat to the peace and security of the Western Pacific area and of grave concern to the United States; and

(4) to provide the people on Taiwan with arms of a defensive character.

(b) In order to achieve the objectives of this section—

(1) the United States will maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan;

(2) the United States will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of arms of a defensive character;

(3) the President is directed to inform the Congress promptly of any threat to the security of Taiwan and any danger to the interests of the United States arising therefrom; and

(4) the United States will act to meet any danger described in paragraph (3) of this subsection in accordance with constitutional processes and procedures established by law.

The language of the committee report explaining this section is of great significance, and therefore, Mr. President, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. THURMOND. Mr. President, the language of the report makes it unequivocal that the United States will maintain its capacity to resist not only direct force, but indirect force as well, such as a blockade or boycott that would jeopardize the social or economic system of the people on Taiwan. The report also emphasizes the importance and necessity of assisting the people on Taiwan to

maintain a sufficient defense capability through the provision of arms to that country. It is made clear that in assisting the people on Taiwan, the United States will not be limited solely to the supply of arms, but could assist in other appropriate ways. Thus, actions taken by the United States may be military if such actions would be in compliance with the war powers resolution. This does not, however, restrict the United States from using whatever means would be most effective to aid the people on Taiwan, whether such action be diplomatic, economic or in some other form.

Mr. President, I find this "New China Policy" objectionable not because of the recognition of the People's Republic of China, but rather because of the abandonment and sudden nature of the derecognition of a long-time friend and ally, the Republic of China (Taiwan). My foremost consideration here today is, therefore, the continuing interest of the United States in the security and the defense of the people on Taiwan.

The social, cultural, economic, and financial ties between our two countries should be preserved and to that end, I find this legislation to be necessary.

Congress must, however, keep a close oversight on the Institute to insure that it is used to preserve the freedom and independence of the people of Taiwan and not to destroy it. Section 402 of the Taiwan Enabling Act was adopted by the Foreign Relations Committee to aid Congress in fulfilling this mandate.

This provision requires that every 6 months, a report describing and reviewing economic relations between the United States and the people on Taiwan shall be transmitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, noting any interference with normal commercial relations. This requirement must be utilized by Congress not as a merely perfunctory exercise, but rather as a tool to enable Congress to insure the continuance of normal commercial relations between our countries.

The announcement made by President Carter of normalization of relations between the People's Republic of China and the United States on December 15 came as a surprise to the American people and to Congress. There was no meaningful prior consultations with Congress despite section 36 of the International Security Assistance Act of 1978 which called for prior consultation on any proposed policy changes affecting the continuation in force of the mutual defense treaty with Taiwan.

The additional views of Senator HELMS of North Carolina succinctly state the issues raised and the consequences of this precipitous action by the President as:

First, the perceptions of the world community, particularly among our allies is that the United States lacks any cohesive or comprehensive foreign policy, and abandons its friends and allies whenever the United States views it expedient to do so.

Second, the actions of the President are of doubtful legality and constitutional validity both because of the President's

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failure to consult with Congress and for assuming authority to unilaterally terminate the 1954 mutual defense treaty with the Republic of China.

Senator HELMS' words on these issues were:

Needless to say, this unprecedented action has not gone without notice by allies and opponents alike around the world. Despite Administration protestations to the contrary, many of our allies rightfully question the value of the United States' mutual security commitments. Newspaper reports that the Ambassador to the United States from one nation bordering the Indian Ocean littoral has sought to be moved to Moscow because "that is where the power is" cannot be brushed aside as reportage of a mere diplomatic aberration. How much the Presidential decision to abandon the people on Taiwan affected the Ambassador's decision one only can speculate; but it is difficult to believe that it had no effect.

The Congress may not be the proper forum to deal with the specific issue of termination of the treaty, *per se*, although Congress certainly must deal with the broader issue of the defense of the people on Taiwan. Already, a court suit has been undertaken to deal with the particulars of the treaty termination matter. Its outcome will say much about the scope of the President's power to terminate a treaty with an ally, unilaterally and without prior consultation with and approval by the Congress. At a time when the American public is wary of overextension of Executive power, a proper resolution of the issues raised in the suit will do much to define the limits of Executive power.

Mr. President, I am gravely concerned about the President's actions. I supported the amendment offered by the distinguished Senator from Virginia, Mr. HARRY F. BYRD, JR., that would have stated that, "It is the sense of the Senate that approval by the Senate of the United States is required to terminate any mutual defense treaty between the United States and another nation."

Although this amendment was withdrawn, I am pleased that the Foreign Relations Committee has agreed to hold hearings on this matter and report back to the Senate by May 1, 1979. It is my understanding that this resolution will then be made the pending business of the Senate.

In sum, Mr. President, even though diplomatic ties with the People's Republic of China may be advisable, the price we paid, the abandonment of a long-time friend and ally, Taiwan, was too great. It is hoped that this legislation that we today consider will reaffirm the U.S. commitment to the continued independence, freedom and security of the people of Taiwan. Therefore, Mr. President, with the qualifications other Senators and I have outlined, during debate on this measure, I support S. 245, the Taiwan Enabling Act, and urge its enactment.

EXHIBIT 1  
SECTION 114

This section was proposed and adopted unanimously as an amendment to the Administration's original bill by Senators Church, Pell, Glenn, Javits and Baker. Its purpose is to express the strong and continuing interest of the United States in a peaceful solution to the Taiwan issue. This is done through a unilateral statement of United States policy objectives in subsection (a), which is supplemented by subsection (b), which sets forth what the United States

will do to achieve the policy objectives set forth in subsection (a). The Committee made clear that each part of both subsections must be read and interpreted in the context of all the other parts and of the entire section. Thus subsection (b) (1), providing that the "United States will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of arms of a defensive character", relates not only to the objective of subsection (a) (4), "to provide the people on Taiwan with arms of a defensive character," but also to the objective spelled out in subsection (a) (1), "to maintain extensive, close, and friendly relations with the people on Taiwan."

Subsection (a)

The Committee discussed extensively the language in 114(a) (3) in connection with an amendment offered to it by Senator Percy. He proposed that the words "of grave concern to the" be replaced by the words "to the security interests of" on the ground that this would provide a stronger and clearer statement of United States policy toward Taiwan. This view received support from some Members of the Committee. Other Members argued that the phrase "of grave concern to the" United States adequately conveyed the importance that the United States should attach to a peaceful settlement of the Taiwan issue, especially when taken together with the other provisions of the section, while at the same time allowing the United States to respond in a flexible manner to any effort to resolve the Taiwan issue by other than peaceful means. The amendment proposed by Senator Percy was defeated by a vote of 10-4. Senator Percy had earlier reserved the right to discuss his amendment on the floor of the Senate and possibly to offer it there if it were rejected by the Committee.

Subsection (b)

The Committee made clear in its discussion of subsection (b) (1) that the United States was concerned with external threats or coercion rather than with internal challenges to the security or to the social or economic system of the people on Taiwan. In discussing the matter of possible coercion, the Committee indicated that the United States would maintain its capacity to resist not only direct force but indirect force as well, such as a blockade or a boycott, that would jeopardize the social or economic system of the people on Taiwan. During the hearings, several Senators emphasized the applicability of the anti-boycott provisions of the Export Administration Act to the China-Taiwan context. Those provisions make illegal compliance by U.S. citizens or corporations with economic boycotts against Taiwan.

The Committee also stressed the importance of assisting the people of Taiwan to maintain a sufficient defense capability through the provision of arms of a defensive character. The Committee indicated, in discussing (b) (2), that in assisting the people on Taiwan to maintain a sufficient self-defense capability, the United States was not limited solely to the supply of arms, but could assist in other appropriate ways. The Committee also indicated that the United States retained the right to determine what was "sufficient".

Paragraph (3) of subsection (b) directs the President to inform the Congress promptly of any threat to the security of Taiwan and any danger to the interests of the United States arising from such a threat. The language comprehends threats both military and non-military in nature, deriving from any source external to Taiwan. It should not be construed to derogate from the provisions of section 3 of the War Powers Resolution, which requires the President in every pos-

sible instance to consult with the Congress before introducing the United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

Paragraph (4) of subsection (b), added by the Committee as proposed by Senator Glenn and modified by Senator Javits, requires that any action taken by the United States to meet any danger described in paragraph (3) comply with all applicable constitutional and statutory requirements.

No mutual security treaty to which the United States currently is a party authorizes the President to introduce the armed forces into hostilities or requires the United States to do so, automatically, if another party to any such treaty is attacked. Each of the treaties provides that it will be carried out by the United States in accordance with its "constitutional processes" or contains other language to make clear that the United States' commitment is a qualified one—that the distribution of power within the United States Government is precisely what it would be in the absence of the treaty, and that the United States reserves the right to determine for itself what military action, if any, is appropriate.

Thus, an "absolute" security guarantee for Taiwan would go further than any current mutual defense treaty to which the United States is a party. In addition, it is questionable whether, as a matter of constitutional law, an absolute security guarantee can be made—either by treaty or by statute. Because the Constitution vests the power to declare war in the Congress rather than in the President, it is doubtful whether the authority to make that decision can constitutionally be delegated to the President—i.e., whether he can be empowered prospectively to determine under what conditions the United States armed forces will be introduced into hostilities. Under the separation of powers doctrine, one branch of the government cannot, even willingly, transfer to another branch powers and responsibilities assigned to it by the Constitution.

Turning to the provision at hand, paragraph (4) of subsection (b), the Committee notes that the United States is not required or committed, under this provision, to take any action. The United States, and only the United States will determine the existence of any danger described in paragraph (3). If the United States determines that such a danger exists, it and only it will determine what response, if any, is appropriate. While action taken by the United States may be military—provided that that action is in compliance with the War Powers Resolution—it may also be diplomatic, economic, or of some other form—and, indeed, it may be the judgment of the United States that the most effective action, from the standpoint of the United States or the people on Taiwan or both, is no action. This broad discretion is reserved for the United States through incorporation of the reference to the United States' "constitutional processes"; by requiring that any action taken by the United States be in accordance therewith, this provision makes clear that no automatic response of any kind is required, since those processes may result in a decision to do nothing. The net effect is thus to make clear that the allocation of war-making power within the United States Government is precisely what it would have been in the absence of the provision—that the President has no greater authority to introduce the armed forces into hostilities than he would have had had the provision not been enacted.

This conclusion is bolstered by section 8 (a) (1) of the War Powers Resolution, which provides as follows:

Sec. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostili-

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ties is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution. . . .

The consequence of this provision is twofold: (1) it precludes the President from inferring authority from paragraph (4) to introduce the armed forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances; and (2) it reinforces the non-automaticity of the United States' undertakings, since, unless the President were authorized to introduce the armed forces into hostilities, the United States could not be considered to have undertaken to respond, automatically, in the event of danger.

While the Committee inserted the reference to "procedures established by law" primarily to make clear that the War Powers Resolution is fully applicable to all actions taken in connection with this section, it would note that the reference is not legally necessary since all provisions of the Resolution are applicable under their own terms. Accordingly, the inclusion of this reference in this bill should not be construed, in the case of some other, similar statute enacted in the future, as suggesting in any way that the absence of any such reference in that statute has rendered the Resolution inapplicable. The provisions of the Resolution will continue to apply *ex proprio vigore*.

○ Mr. WEICKER. Mr. President, this Nation's diplomatic recognition of the People's Republic of China is a welcome event which I wholeheartedly support. But the manner in which the Carter administration has handled that decision and the legislation before us falls short of the standards we should expect of American diplomacy.

On December 15, President Carter stated that we were establishing full relations with the PRC in recognition of "simple reality." It is certainly true that we are rectifying a diplomatic mistake dating back 30 years and realizing that there are nearly 1 billion Chinese people with whom we should have full relations.

But to glibly derecognize 17 million people of Taiwan in the process is not my idea of "simple reality." We as a people and as a government should do everything in our power to realize and recognize that we have two entities here, not one China.

The security arrangements of this agreement are clouded by reports that the Carter administration did not seek a guarantee from the mainland Chinese against military action against Taiwan. Based on that frank and forceful display of American dealings with our new friend, provisions in this bill which express our "grave concern" for the security of Taiwan do not amount to much. We know it and the Chinese know it.

In terms of the integrity of our word and system of government, the President's hastily engineered recognition reflects poorly on us and how we conduct ourselves in this democracy.

On the matter of the "American Institute in Taiwan," we are asked in this bill to enact a falsehood. The Carter admin-

istration tells us in one breath that first governmental relations with Taiwan must cease and second that the Congress must authorize and appropriate funds for an Institute to carry out those functions.

Mr. President, it is a hoax to call an institute which is conceived, authorized, funded by the United States Government "nongovernmental." I will have no part in devaluing our moral currency just to close this particular deal.

The integrity of our democratic system is challenged, Mr. President when our Chief Executive Officer ignores the expressed intent of Congress. President Carter's failure to respect the unanimous vote of this body requesting prior consultation on any change in status in the Mutual Defense Treaty, damages the constitutional dynamics of our foreign policy decisionmaking, now and for the future.

Mr. President, by passing this bill in its present form, the Senate would certify a logic and morality which have no place in our foreign policy. When we deal realistically, forcefully and honestly with our own people and the people of the world we earn their respect. When we settle for expediency, compromise and gimmickry we cheapen everything the United States stands for and hopes to be.○

○ Mr. BAYH. Mr. President, I will vote for passage of the Taiwan enabling legislation which we are considering today because it provides the best possible means for maintaining and assuring the continued prosperity and security for the people of Taiwan. This is in our vital national interests to do.

I believe that the Senate Committee on Foreign Relations has produced a finely crafted bill which will enable both the United States and the Government of the Republic of China on Taiwan to continue to derive mutual economic, cultural and political benefit from a strong and stable relationship. The fact that Taiwan is the second most successful economic power in all of Asia after Japan and that our trade turnover with that island last year was over \$7 billion indicates the significant role Taiwan plays in the stability and progress of the region.

The Government of Taiwan has also been a longtime ally and friend of the United States. We therefore have a moral responsibility to provide Taiwan with the defensive weapons it needs to maintain its own security and discourage the People's Republic of China for settling the final status of Taiwan unilaterally and by other than peaceful means.

The security section of the bill is very clear on this point. What is equally as clear is the strong support which the people of Taiwan enjoy in this country. If the PRC Vice Premier Deng Xiaoping learned anything from his trip to the United States, it was the continuing concern which Americans feel for the future of Taiwan. I believe the security section of S. 245 is appropriately worded so as to leave no doubt in the mind of any present or future PRC leader that to use military force against Taiwan puts China's relationship with the United States at great risk. While I do not be-

lieve that the PRC has either the military capability or political intentions to attempt an armed takeover of Taiwan now or in the foreseeable future, we must firmly state our expectations as to this regard. President Carter himself recently commented that nothing in the agreement to establish diplomatic relations with the PRC would prevent him or some future President from direct military support of Taiwan if attacked by the PRC or threatened from some other source.

Last Thursday, I voted with my colleagues to defeat an amendment to substitute language in section 114 which states specifically that any effort to resolve the Taiwan issue by other than peaceful means would be considered a threat to the peace and security of the Western Pacific area and of grave concern to the United States. The amendment which was defeated sought to state specifically that such efforts would not only be considered a threat to the peace and security of the Western Pacific area but also to the security interests of the United States. While I appreciate and share the concern of my colleagues who voted for this change, I concluded that this change in language was unnecessary since the security interests of the United States extend to the Western Pacific area. Despite the value of such a redundant statement for domestic political purposes, this small change in the wording of a paragraph in section 114 of the bill could not be decisive in terms of whether the United States would act if the time ever came when Taiwan came under attack from mainland China. Nothing in the legislation restricts the President from taking any action he deems appropriate to meet such a contingency. Everything in section 114 is an affirmative message to the people of Taiwan and the People's Republic of China that the United States will uphold our moral obligation to help assure their safety and security and protect our vital interests in the area.

Mr. President, I think the complexity of the issue S. 245 addresses should also impress upon us that the security of Taiwan means more than the ability to beat back an armed invasion attempt. Therefore, it is especially important that part of the security section of this bill specifically states that—

The United States will maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan.

The fact that Taiwan's economic system is so highly developed also makes it vulnerable to economic boycott and blackmail. While the prevailing economic conditions in the East and Southeast Asian area where Taiwan has extensive commercial relationships owing to its high level of technology intensive industries certainly make it hard to imagine what non-Communist countries would abet such an effort, it is important that the United States state clearly its concern and retain our capacity to help our friends on Taiwan resist such coercion. Because of my own concern, I cosponsored an amendment which was accepted

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by the Senate to go further by adding a new section which provides that nothing in S. 245 shall be construed as a basis for supporting the expulsion or exclusion of the people of Taiwan from continued membership in international financial and other international organizations.

The importance of the Asia Development Bank, the World Bank, the International Monetary Fund, and other multilateral economic institutions cannot be stressed too strongly in a world growing increasingly dependent upon financial cooperation in undertaking development projects. How tragic it would be if one of the foremost examples of an underdeveloped nation becoming a highly developed one and good customer for American products were to be systematically excluded from participation in these important enterprises.

Because the legislation we are considering seeks to assist the President in doing something literally without precedent in our diplomatic history, I believe it is also only right that Congress be a full partner in this process. Accordingly, I also cosponsored and the Senate accepted an amendment establishing a Joint Commission for Security and Cooperation in East Asia. Again, the importance of this oversight when I refer to our considerable mutual economic interests with Taiwan and when we realize that the instrumentality to carry forward this relationship—the American Institute in Taiwan—is untested.

The commission will have 12 members, 6 from the House and 6 from the Senate and would monitor and report on the full range of policy concerns expressed in the bill, including the operation and procedures of the instrumentality responsible for our relations with Taiwan, the degree of success in maintaining free and unfettered cultural, commercial, and other relations between Taiwan and the United States; and human rights.

Finally, Mr. President, the normalization of our relations with the People's Republic of China has required a "derecognition" that the Government of the Republic of China on Taiwan is the sole and legitimate government for all of China. To insist that we could succeed or devise a plan under the present circumstances where we could impose upon the PRC acceptance of the political fiction of the Government of the Republic of China's claim is wholly inconsistent with the Shanghai Communiqué of 1972. But it is more than that. It is an unhelpful impulse to see the world as we would wish it to be and not as it truly is. While some critics of this course would dismiss such a realization as a retreat by the United States, I would strongly disagree. On the contrary, the decision to establish formal ties with the PRC signals a renewed U.S. commitment to participate in the process of peace and stability in Asia and the Pacific basin. It enhances our influence in the area and helps us assure the security of Japan, our principal ally in the region and the real anchor of our security interests in East Asia. I say this to point out that a peaceful settlement of the Taiwan issue is not just in the interest of the United States but important to the other na-

tions committed to peace, progress, and stability in the region.

In short, the "derecognition" of the Government of the Republic of China on Taiwan is not and, as long as I am in the Senate, will not be an abandonment of the people of Taiwan. I cannot tell my colleagues in this Chamber what the precise future of the people on Taiwan will be in terms of their final political status. But I can say a determination of that status will come about through the process of negotiation rather than through force of arms, because of the dedication and concern for the future of these brave people shared by my colleagues and the American people whom we represent. ○

○ Mr. SCHMITT. Mr. President, after a great deal of consideration, I have reluctantly decided to vote for final passage of S. 245, the Taiwan Enabling Act. I shall vote for S. 245 because there is no realistic alternative at this time. This issue has been handled poorly from the beginning.

The failure of the President to consult with the Congress prior to his surprise December 15 announcement can only indicate that the President does not recognize the constitutional and political role of Congress in the formulation of foreign policy which has evolved over the years. His decision to terminate the Mutual Defense Pact is particularly troubling. I am certain, Mr. President, that many nations are now reconsidering the value of a treaty with the United States. It is of grave concern to me that if the President's decision on this treaty is allowed to stand, this President or any future President can unilaterally terminate any treaty such as the NATO Treaty, the SALT Treaty, or the Mutual Defense Pact with the Republic of Korea.

Mr. President, while I support the recognition of the People's Republic of China, there is absolutely no reason why that recognition was contingent on the derecognition of the Republic of China and the abrogation of the Mutual Defense Pact. The normalization of relations with Peking is of greater benefit to the PRC than to the United States. It is absurd that the United States made the greater concessions in the negotiations.

Be that as it may, the legislation to provide for relations with the people and Government on Taiwan which was submitted by the President did not even adequately provide for the security of the island. Only after extensive reworking by the Senate Foreign Relations Committee has the legislation become somewhat acceptable. It has, however, been obvious that only certain changes in the bill will be tolerated. Efforts to strengthen the security guarantees to our allies on Taiwan have been defeated. The argument has been that these amendments "would weaken the office of the President." Since when, Mr. President, do guarantees for the security of our friends weaken the Presidency? If the improving of this legislation does, in fact, weaken the Presidency, then we certainly do not need this bill.

Mr. President, I supported the amendment to establish a liaison office in Taipei since one existed in Peking for a number

of years. This amendment was defeated. I supported the amendment to more clearly define the term "people on Taiwan." This amendment was defeated. I supported the amendment to send a loud and clear message to Peking that no threat to the security of Taiwan will be tolerated at any time in the future. This amendment was also defeated. At that point, it was obvious that the Senate failed to write the type of bill which was beneficial to the long-term interests of both the United States and Taiwan and of our allies everywhere.

The reality of the situation, however, is that we must establish some type of relationship with the people and Government on Taiwan. Due to the poor handling of the situation by the administration and due to the hurried timetable which the administration arbitrarily imposed, Taiwan is today left without any type of formal or informal relations with the United States. In an effort to resolve this embarrassing situation, I shall reluctantly support S. 245. ○

## SINO-AMERICAN RELATIONS

○ Mr. PERCY. Mr. President, we have been fortunate in the foresight of the leaders and diplomats who have made possible the dramatic breakthrough in diplomatic relations between China and the United States.

First there was Chairman Mao and Premier Zhou on the Chinese side and President Richard Nixon and Secretary of State Henry Kissinger for the United States who succeeded in negotiating the Shanghai Communiqué of 1972.

Ambassador Huang Zhen, who later became the first Chinese Ambassador to be stationed in Washington, was Ambassador to France in 1972 and promoted relations between the two countries through his contacts with his counterpart, U.S. Ambassador to France Arthur K. Watson.

These important initial meetings were followed by meetings with President Ford and Henry Kissinger, President Jimmy Carter, Secretary Cyrus Vance, and Assistant to the President for National Security Zbigniew Brzezinski, together with such congressional leaders as Mike Mansfield, Hugh Scott, Ted KENNEDY, and many others who have traveled to Beijing to speak directly to Chinese leaders. U.S. Ambassador Leonard Woodcock, an established expert in labor negotiations, played a key role in the final weeks of progress. Both Chairman Hua Guofeng and Vice Chairman Deng Xiaoping have provided the leadership necessary on their side to see our negotiations culminate in full diplomatic relations. And former Ambassador Huang Chen, former Deputy of the PRC liaison office Hua Xu, as well as His Excellency Chai Zemin, China's new Ambassador to the United States, have all played important roles in establishing our new relations.

We owe a great deal to these distinguished leaders on both sides of the Pacific and to many others, both Republicans and Democrats, who have continued to work toward normalization of relations between our two nations. Normalization is in the best interest of (See exhibit 1.)

Mr. KENNEDY. Mr. President, the Congress is now completing a historic process begun last December 15. On that date, President Carter announced our Nation's recognition of the People's Republic of China. Since then, we have demonstrated our ability to adopt a realistic policy toward the nearly 1 billion people on the Chinese mainland. We have recognized the fact that Peking has governed these people for nearly three decades. We have made it possible to move forward, at long last, toward normal and enduring relations between our two countries.

At the same time, we are behaving with responsibility to the people of Taiwan. Through the Taiwan Enabling Act (S. 245), the Congress will demonstrate our ability and our readiness to maintain a full range of unofficial relations with Taiwan. Our ties with its people should remain unimpaired, because they should remain the same in substance even though they change in form. The Taiwan Enabling Act will maintain "commercial, cultural, and other relations with the people on Taiwan," on unofficial instead of official terms.

This achievement is due in no small part to the careful and thorough work of the Committee on Foreign Relations and its chairman, Senator CHURCH.

I was pleased to be able to testify before the committee and contribute to its work. I welcome particularly its subsequent incorporation of section 114, designed to help insure the future security of the people on Taiwan.

This section reflects the full substance of the Taiwan Security Resolution (S.J. Res. 31) introduced by 30 Senators, including Senators CRANSTON and myself, as well as by Congressman WOLFF and 106 Members of the House. As a result of its incorporation in the Taiwan Enabling Act, we have made legislative provision for substantive continuity in our relations with the people on Taiwan in the vital security sphere—also on unofficial terms, in a manner consistent with our new diplomatic relationship with the People's Republic of China.

Mr. President, I am confident that our ties with the people on Taiwan will not only remain unimpaired, but will actually be enhanced in the months and years ahead. We have finally removed Taiwan as a diplomatic issue between China and the United States. No longer do the Chinese feel duty-bound to object to official relations based on our past pretense that the government of 17 million controls a nation of almost 1 billion. In turn, the Chinese have agreed to continue unofficial ties between us and Taiwan—ties which should expand and strengthen just as Japan's did after it normalized relations on the same basis in 1972. It is no accident that Japanese trade with Taiwan as well as with the mainland has quintupled since normalization, from roughly \$1 billion each in 1971 to over \$5 billion each in 1978.

The senior Senators from Virginia and Arizona (Senators BYRD and GOLDWATER) and others resurrected their argument last week that the President lacked authority to give 1 year's notice

of termination of our Mutual Defense Treaty with Taiwan—in spite of that treaty's explicit provision for such termination under its article X, which states that—

Either party may terminate it 1 year after notice has been given to the other party.

They argue, furthermore, that the consent of two-thirds of the Senate or a majority of both Houses of Congress is required for the termination of any Mutual Defense Treaty concluded by the United States. These arguments are of great interest to members of the Committee on the Judiciary, which I have the privilege of chairing.

I have carefully examined the constitutional and historical basis of these objections, and I am personally convinced that the President had full authority to take the actions he did to normalize relations with Peking, including termination of the defense treaty with Taipei. I am confident that the President's decision will not be reversed, either by the courts or by the Congress, and I look forward to the debate on this issue in committee and on the floor later this spring.

While focusing on the exact terms of normalization for both Taiwan and the Chinese mainland, I believe that we should all bear in mind the broader context in which these terms have become possible.

There are some who say that normalization was a reflection of American weakness. I say the opposite. Normalization is a reflection of American strength: Our strength to recognize the reality of nearly 1 billion people controlled not by Taipei but by Peking. Our strength to act with responsibility to the 17 million people on Taiwan, with whom we have enjoyed close ties for over three decades. Our strength to consolidate and strengthen relations with the creative, industrious and rapidly modernizing Chinese people, and thus to contribute to the peace and stability not only of Asia but of the world.

Mr. President, last week I received very thoughtful statements on the implications of normalization from academic, business, civic, religious, and other community leaders throughout the United States. I would like to share some of these statements with my colleagues, who I believe will find them as helpful as I have in assessing the broader implications of our China policies now and in the future. I request that the statements be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

#### STATEMENTS

Prof. Harlan Cleveland, Director, Program in International Affairs, Aspen Institute for Humanistic Studies, Austin, Tex.

"Normalization of relations with the PRC was overdue. But our debate about it is making this move look a lot more than it is. Let's be clear about three things that normalization is not:

"1. It is not the dawn of a nice, easy, comfortable relationship. Diplomatic relations don't protect us against unpleasant surprises—not on China's southern border and not in the Middle East or Africa or the Persian Gulf either:

"2. It is not the end of Taiwan's chance

to live its own life. The Japanese have already shown how to conduct business as usual without an embassy in Taipei.

"3. It is not an anti-Soviet move. The rift between Moscow and Peking was not made in Washington. Our cue is to get along with both the Soviet Union and China, even if they elect not to get along with each other."

Prof. Okira Iriye, Department of History, University of Chicago, Chicago, Ill.

"I am in favor US-PRC normalization as it facilitates greater commercial and cultural interactions between the two countries. They have a great deal to offer to each other. I do hope, however, that normalization will not lead to any kind of military alliance which will unnecessarily create tensions among the countries of the Far East, especially between the US and the Soviet Union. I favor normalization in the hope that it will lead to lessening of tensions and eventual arms reduction in Asia, rather than to increased chances of war."

Prof. Victor H. Li, Stanford University, U.S.-China Relations Program, Stanford, California.

"I am delighted that normalization of relations with the People's Republic of China has finally taken place. The announcement of December 15, 1978 marks a fundamental point in developing cooperative ties with that major country.

"But it should be stressed that normalization, in and of itself, does not lead to full friendly relations. Many political and legal issues must still be resolved. For example, in the short term we must consider the means by which normal dealings with China could be enhanced—including how to cope with the unrealistically high expectations for trade and investments held by some persons. More importantly, we must examine the long-term strategic effects that improving US-China relations would have on our relations with the Soviet Union, Japan, and other areas. In addition, the normalization process has successfully avoided confronting the Taiwan problem. Yet that problem must be dealt with eventually. As the people on Taiwan go about the difficult and potentially disruptive business of deciding their future course, the US will likely face a series of politically and morally troublesome decisions concerning our dealings with China and with Taiwan."

Mr. Winston Lord, President, Council on Foreign Relations, New York, N.Y.

"As one who has been directly involved from the outset in the opening to China, I strongly favor improved relations with that country. I believe this process can lessen tensions and strengthen stability in Asia and the world, improve our overall international position, and bring cultural, economic and other bilateral benefits. Normalization of relations with Peking is a significant step in that process which I support, although the crucial factor in our relationship will remain the vision and steadiness of our world role. We also have a deep obligation to the people on Taiwan, who have been loyal friends and have behaved with great decency and restraint through troubled times. Thus I welcome firm Congressional expressions of concern for the future security and prosperity of the people on Taiwan. These add an important element of reassurance to the series of actions announced by the Administration since December."

Mr. Richard A. Melville, President, and Chief Executive Officer, Allied Bank International, New York, New York.

"I believe that normalization between the U.S. and the People's Republic of China, the country with the largest population on earth and both countries situated with long coast lines on the periphery of the Pacific Ocean (the U.S. with its 50th State and other pos-

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sessions, such as Guam, Samoa, almost in the middle of the Pacific) is essential for the peaceful development within the Pacific basin and this normalization has been held off for too long.

"Only by being able to communicate directly with the Chinese government will we be able to influence China's movements and developments of which perhaps hydrogen power and weaponry may be the most important.

"China, I believe, is clearly afraid of now being encircled by Russia also from the south, in addition to their long mutual border in the north. This may well be at least part of their quick agreement to normalization of their relations with the U.S.

"For this reason, I do not believe that they would undertake any drastic measures to incorporate Taiwan politically and economically into China anywhere in the near future. I believe militarily they could not handle it and they know it would be a devastating blow to their new relationship with the U.S. With the history of thousands of years behind them another few years are of little significance.

"With the new leadership in Peking, the old traditional ideology of self-development and self-reliance appears to have been put aside for the time being and new development plans seem to be surfacing almost everyday. Within the next two or three decades, this huge country is to catch up with the industrial world, and the old American businessman's dream of eyeing the hundreds of millions of Chinese as potential customers may still become reality. From the technological point of view, they need just about everything, and with the United States growing interest in expanding its exports it is of the utmost importance for us to establish as quickly as possible economic, political and cultural relations to build up our trade. If we do not act now, we will find that we have lost this enormous market to aggressive Japanese and European competition."

Dr. Shirley Sun, Executive Director, Chinese Cultural Foundation, San Francisco, California.

"As an Asian American and an Asian art historian, I fully support President Carter's enlightened and sensible policy in the normalization of relations between the US and the PRC.

"This policy, so late in coming, is finally dealing with global reality. At the same time, it will open up avenues of profitable exchange between the US and China that we cannot afford to ignore—in the areas of science, culture and trade that will greatly benefit the lives of all Americans, not to mention the importance it will bring to the maintenance of world peace."

Dr. James C. Thomsen, Curator, Nieman Foundation for Journalism, Harvard University, Cambridge, Massachusetts.

"The Carter Administration, with deft skill and fine timing, has successfully concluded the overdue process of normalization of relations between the United States and China that Presidents Nixon and Ford made possible. It has done so in a way that assures the security and well being of the people of Taiwan while averting the creation of a self-styled second "China" whose status would be constantly under threat. The people of Taiwan will now be as well protected as before; and Chinese-American relations can at last proceed on a rational and peaceful basis after nearly thirty years of largely unnecessary hostility."

Dr. Franklin J. Woo, China Program Director, Division of Overseas Ministries, National Council of Churches of Christ in the USA, New York, N.Y.

"Generally speaking constituent members of the National Council of the Churches of

Christ in the USA welcome the normalization of diplomatic relations between the PRC and USA. There does not seem to be objection to the abrogation of the Mutual Defense Treaty of 1954, which was based on cold war assumptions. Obligation is not to a treaty or to a government which purports to be the sole legitimate government for all of China, but to the people of Taiwan, whose life and destiny is a concern of all people of good will. The Churches of the National Council are concerned about the right of the people of Taiwan to have a say in their life and destiny."

## League of Women Voters of the United States.

"League of Women Voters President Ruth J. Hinerfeld has heralded the establishment of the U.S. diplomatic relations with the People's Republic of China as a bold and historic step. She disclaims any direct connection between President Carter's dramatic announcement on December 15 and her early December trip to the People's Republic of China with a prestigious delegation of civic and world affairs leaders. What is "right on target", the League president readily admits, is the credit frequently given the LWV for its vanguard role over a decade ago in paving the way for normalization of U.S. relations with the PRC.

"In early 1969, three years before the Shanghai Communiqué, the League's member study culminated in a forward looking position. In that position, the League called for U.S. initiatives to facilitate PRC participation in the world community and to relax tensions between the U.S. and China. The League recommended a range of policies to encourage normalization of relations—through travel, cultural exchanges and unrestricted trade in nonstrategic goods. The League also urged the U.S. to withdraw its opposition to PRC representation in the UN and to move toward establishing diplomatic relations with the PRC.

"Ms. Hinerfeld stresses that the League was aware from the outset of the need for political astuteness and careful timing, and its actions during the late 60s and early 70s were carefully calculated to support various Presidential and Congressional initiatives at the most propitious times. She also emphasizes the pride League members take in their role in helping to open the diplomatic doors between the most populous and the most powerful nations.

"The League stands ready to support such legislative proposals as most-favored-nation treatment of the PRC."

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I am not aware of any other Senator who wishes to offer an amendment.

Mr. JAVITS. Nor am I.

Mr. CHURCH. I believe the Senate is prepared to move now to a final vote on the bill. I make the following parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. Under the unanimous-consent agreement, was the vote to come at or before 5 o'clock this afternoon?

The PRESIDING OFFICER. No later than 5 o'clock.

Mr. CHURCH. Is it in order, then, to begin the vote at this time?

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, it might be appropriate at this time for me to express my very deep appreciation to the members of the staff of the Foreign Relations Committee who worked so very hard to organize the hearings and to draft for the committee various amendments that, in my judgment, greatly improved this bill.

When the legislation first came to us from the administration, it was inadequate. I said at that time that it was woefully inadequate, and I do not believe that I overstated the case. But in the course of the committee's deliberations the bill was amended. It now gives fully adequate protection to the property holdings of the authorities on Taiwan and the people of Taiwan, and to the corporate entities in Taiwan that may be located here in the United States. It was also amended to give the people an access to the courts of this country, and to sue or to be sued.

The question of extending appropriate privileges and immunities to those who will represent Taiwan in the institution which they are expected to establish was dealt with through committee action.

Finally, and most importantly, a very strong unilateral statement was included in the bill giving full recognition to the continuing responsibility that the committee felt this country owed the people on Taiwan by virtue of our long alliance with them. Thus we removed any basis for the charge that has previously been made that the United States has walked away from an old ally in order to do business with mainland China.

The various weaknesses which were apparent in the administration's bill have been corrected, and I think the posture of the United States is honorable and strong.

Throughout this debate I have said, as have others who support this legislation, that we commend the President of the United States for having at last faced up to the realities in Asia, for having had the political courage and conviction necessary to consummate the opening of mainland China that President Nixon initiated in 1972.

Finally, Mr. President, we are on course again in Asia. The old policy of self-deception, which created for us a posture of endemic weakness respecting Asia, which contributed to our involvement in two indecisive wars and cost us very dearly, is over. Even though we are late coming to the recognition that it is in our national interest to have direct dealings with China, in a government that exercises jurisdiction over one-quarter of the human race, it has, in fact, occurred at long last. For this I commend the President of the United States.

Mr. President, the various changes in this bill to which I have referred, made by the committee and made by the Senate as a whole in the past few days in the amendments that we have adopted,

present, when taken together, a good bill in which we can take justifiable pride.

I want to pay my respects to those members of the committee staff who assisted us throughout our deliberations: Mr. William Bader, the director of the staff; Patrick Shea, and William Barnds, who have been with me here on the floor of the Senate throughout the debate; Mr. Michael Glennon, our counsel; Mr. Peter Lakeland, the special assistant to our ranking member, Senator JAVITS, along with Ray Werner and Hans Binnedijk, who worked extensively on preparing the briefing books for the hearings.

Mr. JAVITS. Will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. JAVITS. I would like to add the name of Fred Tipson, who has been working on this legislation.

Mr. CHURCH. Yes. He definitely should be included. I thank the Senator for mentioning his name.

Mr. JAVITS. Mr. President, may I say that I consider this piece of legislation to be statesmanlike, just, and well within the compass of our implementation, with every promise that it can work. What we have done is to base the legislation on what we are able to do and what we are able to judge and perceive. We have, I feel, avoided all of those amendments which would have sought to substitute us for the authorities on Taiwan. That is why I think this can work and work effectively, giving deep assurance and safeguards to the people on Taiwan. Just as we are having normal relations with the People's Republic of China, so within the limits of that policy we can have normal relations and express the morality as well as the practicality of our solicitude for the security and, very importantly, the social and economic system of the people on Taiwan as they design it as time goes on.

I thank my colleague for his cooperation and for the magnificent work which he has done in the management of this bill.

Mr. CHURCH. Mr. President, may I say to the ranking minority member (Mr. JAVITS) that had it not been for his own initiatives it would never have been possible for the committee to finally reach a unanimous vote on this bill, recommending it favorably to the Senate, nor would it have been possible to have achieved so commanding a majority in connection with the language dealing with the future security of the people on Taiwan. To him I am especially indebted, as well as to all the other members of the committee who have participated so actively in bringing this matter to a final vote.

It was once predicted that this would be extraordinarily divisive, that the committee itself would be unable to reach a consensus, and that the Senate would be deeply divided. I think all of those pitfalls have been successfully avoided and that the Senate will, in fact, endorse this measure by an overwhelming vote.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I believe this request has been cleared on the other side of the aisle:

I ask unanimous consent that when H.R. 2479 is received from the House it be considered as having been read twice, that the Senate proceed to its immediate consideration, and, without any intervening debate or motion, that all after the enacting clause be stricken, that the text of S. 245 as passed by the Senate, as we expect it to be passed shortly, be substituted in lieu thereof, that without any further amendment or intervening motion or debate the bill be read a third time and passed, that that action be deemed as having been reconsidered and laid on the table, that the Senate insist upon its amendments, request a conference with the House and that the Chair be authorized to appoint the conferees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLURE. Will the Senator from Idaho yield to his colleague 1 minute on the bill before the vote?

Mr. CHURCH. Yes, but before I do that, may I express my thanks to the majority leader for the extremely helpful way in which he intervened on more than one occasion in the course of this debate to assist us when we needed his help, and for the effectiveness with which he did so. I appreciate it.

Mr. JAVITS. And my thanks, as well, as the minority manager.

Mr. BAKER. Mr. President, as we conclude the debate on this difficult and important legislation which establishes the foundation on which to build a new relationship with Taiwan, I would like to take this opportunity to commend the distinguished ranking member of the Foreign Relations Committee for the role that he has played in its passage. In both the committee, and then on the floor, he has managed to blend widely divergent points-of-view, and he has protected well the rights of those on this side of the aisle who desired to contribute to this legislation. It was a demanding responsibility performed extraordinarily well, as I am certain it will be performed during the difficult issues ahead.

Mr. ROBERT C. BYRD. Mr. President, the establishment of full diplomatic relations with the People's Republic of China is a step that is both realistic and in the national interest of the United States. In addition to meeting these basic criteria for American foreign policy, this action—opening official relations with the largest and one of the most important nations in the world—enhances U.S. credibility in the international arena. Relations between the United States and China are also an important counterbalance in the triangular relationship involving our two countries and the Soviet Union.

Normalization of relations was the logical extension of a policy which was set in motion by President Nixon during his visit to China in 1971. That policy, expressed in the Shanghai Communiqué, was subsequently carried forward by President Ford and then by President Carter, who reached agreement with the Peking Government on normalization.

While I have strongly supported this continuum in our foreign policy, I also have been concerned about assuring the continuing prosperity and security of the people of Taiwan.

We want to maintain commercial, cultural, and other relations with Taiwan, and that is the purpose of the legislation which has been before the Senate in recent days. This bill, the Taiwan Enabling Act, provides the mechanism by which those relations will be administered and carried out.

This mechanism, the American Institute in Taiwan, will, I believe, prove to be a workable instrument for administering United States-Taiwan relations. The Committee on Foreign Relations added important provisions to the legislation in order to assure appropriate congressional oversight of the institute.

In addition to our cultural and commercial relations with Taiwan, the future security of the people of Taiwan is a matter of particular concern to us. This was reflected in the extensive discussion within the Committee on Foreign Relations as well as within the Senate.

The committee's amendment to the bill submitted by the administration makes absolutely clear to the People's Republic that its new relationship with the United States would be severely jeopardized if there is any use of force or other coercion against Taiwan.

The assurances provided by Vice-Premier Deng Xiaoping during his visit here earlier this year considerably allayed my concern for Taiwan's security. Deng said Taiwan would retain its autonomy as a governmental unit, its armed forces and the management of those forces, and its trade and commerce.

In my discussion with him, Deng said that the People's Republic would not impose leaders on Taiwan and that the people living on Taiwan could select their own leaders. The one point upon which Deng insisted very strongly is that there is one China, and that Taiwan is part of China. This, of course, is something the United States acknowledged in the Shanghai Communiqué in 1972.

I believe that the leaders of the People's Republic recognize that any attempt to resolve the reunification question by other than peaceful means would be both extremely costly and counterproductive.

Mr. President, the amendment by the Committee on Foreign Relations, and other Senate actions during our consideration of this bill, have left no room for doubt as to our continuing concern about the well-being of the people of Taiwan, notwithstanding our recognition of the People's Republic.

The committee, under the leadership of its chairman, Mr. CHURCH, has made a significant contribution to this legislation. I want to commend the chairman, along with Senator JAVITS, the ranking minority member, and Senator GLENN, who helped manage this bill, for their efforts. A number of other Senators have taken active roles in the lengthy debate which has occurred here. The result is a bill which is deserving of our support and which will serve U.S. foreign policy interests.

Mr. CHURCH. I thank the Senator very much. I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I first of all want to state my concern that the

bill may not have accomplished what we set out to accomplish. I think it is very clear that if the United States is committed to resist economic pressure against Taiwan, that that economic pressure would not succeed. If, however, we fall short of that commitment it is only a question of time, and that may only be a short period of time. That would be my concern and the reason why I will not support the legislation. I thank the managers of the bill for the courtesy which they have extended to me throughout the debate. I do not mean to imply any personal criticism in my criticism of the result.

## ORDER FOR CONSIDERATION OF S. RESOLUTION 50

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of S. 245 in accordance with the order of the Senate, the agreement that has just been entered into, the Senate proceed to the consideration of calendar order No. 39, Senate Resolution 50.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, what is it?

Mr. ROBERT C. BYRD. It is a resolution disapproving the proposed deferral of budget authority to promote and develop fishery products and research pertaining to American fisheries.

Mr. HELMS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the committee amendment in the nature of a substitute, as amended.

Has the Senator from New York asked for a rollcall only on passage?

Mr. JAVITS. Only on passage.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

Mr. STEVENS. I announce that the Senator from California (Mr. HAYAKAWA) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. HAYAKAWA) would vote "yea."

The PRESIDING OFFICER (Mr. LEVIN). Are there any Senators wishing to vote who have not voted?

The result was announced—yeas 90, nays 6, as follows:

## [Rollcall Vote No. 17 Leg.]

## YEAS—90

Armstrong	Glenn	Percy
Baker	Hart	Pressler
Baucus	Hatch	Proxmire
Bayh	Hatfield	Pryor
Bellmon	Heflin	Randolph
Bentsen	Heinz	Ribicoff
Biden	Helms	Riegle
Boren	Hollings	Roth
Boschwitz	Huddleston	Sarbanes
Bradley	Inouye	Sasser
Bumpers	Jackson	Schmitt
Burdick	Javits	Schweiker
Byrd	Jepsen	Simpson
Harry F., Jr.	Johnston	Stafford
Byrd, Robert C.	Kassebaum	Stennis
Cannon	Kennedy	Stevens
Chafee	Leahy	Stevenson
Chiles	Levin	Stewart
Church	Long	Stone
Cochran	Lugar	Talmadge
Cohen	Magnuson	Thurmond
Cranston	McGovern	Tower
Culver	Meicher	Tsongas
Danforth	Metzenbaum	Wallop
Dole	Morgan	Warner
Domenici	Moynihan	Weicker
Durenberger	Muskie	Williams
Durkin	Nelson	Young
Eagleton	Nunn	Zorinsky
Exon	Packwood	
Ford	Pell	

## NAYS—6

DeConcini	Goldwater	Laxalt
Garn	Humphrey	McClure

## NOT VOTING—4

Gravel	Mathias
Hayakawa	Matsunaga

So the bill (S. 245) was passed, as follows:

## S. 245

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Taiwan Enabling Act".*

## TITLE I

SEC. 101. (a) Whenever any law, regulation, or order of the United States refers or relates to a foreign country, nation, state, government, or similar entity, such terms shall include, and such law, regulation, or order shall apply with respect to, the people on Taiwan.

(b) Except as provided in section 205(d) of this Act, the term "people on Taiwan", as used in this Act, shall mean and include the governing authority on Taiwan, recognized by the United States prior to January 1, 1979, as the Republic of China; its agencies, instrumentalities, and political subdivisions; and the people governed by it or the organizations and other entities formed under the law applied on Taiwan in the islands of Taiwan and the Pescadores.

SEC. 102. (a) No requirement for maintenance of diplomatic relations with the United States, or for recognition of a government by the United States as a condition of eligibility for participation in programs, transactions, or other relations authorized by or pursuant to United States law, shall apply with respect to the people on Taiwan.

(b) The rights and obligations under the laws of the United States of natural persons on Taiwan and the Pescadores, and of the

organizations and other entities formed under the law applied by the people on Taiwan, shall not be affected by the absence of diplomatic relations between the people on Taiwan and the United States or by lack of recognition of the United States.

SEC. 103. The instrumentality referred to in section 108 of this Act and the authorities on Taiwan shall have access to the courts of the United States: *Provided*, That the United States and the American Institute in Taiwan have access to the courts on Taiwan. In the case of any action brought in any court of the United States on behalf of or against the people on Taiwan prior to the effective date of this Act, the authorities on Taiwan shall continue to represent the people on Taiwan.

SEC. 104. For all purposes, including actions in all courts in the United States, the Congress approves the continuation in force of all treaties and other international agreements entered into between the United States and the Government recognized as the Republic of China prior to January 1, 1979, and in force until December 31, 1978, unless and until terminated in accordance with law.

SEC. 105. Whenever authorized or required by or pursuant to United States law to conduct or carry out programs, transactions, or other relations with respect to a foreign country, nation, state, government, or similar entity, the President or any department or agency of the United States Government is authorized to conduct and carry out such programs, transactions, and other relations with respect to the people of Taiwan, including, but not limited to, the performance of services for the United States through contracts with commercial entities in Taiwan, in accordance with applicable laws of the United States.

SEC. 106. (a) Programs, transactions, and other relations conducted or carried out by the President or any department or agency of the United States Government with respect to the people on Taiwan shall, in the manner and to the extent directed by the President, be conducted and carried out by or through the American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia (hereinafter "the Institute").

(b) To the extent that any law, rule, regulation, or ordinance of the District of Columbia or of any State or political subdivision thereof in which the Institute is incorporated or doing business impedes or otherwise interferes with the performance of the functions of the Institute pursuant to this Act, such law, rule, regulation, or ordinance shall be deemed to be preempted by this Act.

(c) In carrying out its activities, the Institute shall take all appropriate steps to strengthen and expand the ties between the people of the United States and all the people on Taiwan and to promote full human rights for all the people of Taiwan, and to provide adequate personnel and facilities to accomplish the purposes of this section.

SEC. 107. Whenever the President or any department or agency of the United States Government is authorized or required by or pursuant to United States law to enter into, perform, enforce, or have in force an agreement or arrangement relative to the people of Taiwan, such agreement or arrangement shall be entered into, or performed and enforced, in the manner and to the extent directed by the President, by or through the Institute.

SEC. 108. Whenever the President or any department or agency of the United States Government is authorized or required by or pursuant to United States law to render or provide to, or to receive or accept from, the people of Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the Presi-

dent, be rendered or provided to, or received or accepted from, an instrumentality established by the people on Taiwan.

Sec. 109. Whenever the application of a rule of law of the United States depends upon the law applied on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.

Sec. 110. (a) For all purposes, including actions in all courts in the United States, recognition of the People's Republic of China shall not affect the ownership of, or other rights, or interests in, properties, tangible and intangible, and other things of value, owned, acquired by, or held on or prior to December 31, 1978, or thereafter acquired or earned by the people on Taiwan. For the purposes of this section 110, the term "people on Taiwan" includes organizations and other entities formed under the law applied on Taiwan.

(b) Any contract or property right or interest, obligation or debt of, or with respect to, the people on Taiwan heretofore or hereafter acquired by United States persons, and the capacity of the people on Taiwan to sue or be sued in courts in the United States, shall not be abrogated, infringed, modified, or denied because of the absence of diplomatic relations between the people on Taiwan and the United States or the lack of recognition of a government by the United States.

Sec. 111. (a) Notwithstanding the \$1,000 per capita income restriction in clause (2) of the second undesignated paragraph of section 231 of the Foreign Assistance Act of 1961, the Overseas Private Investment Corporation ("the Corporation") in determining whether to provide any insurance, reinsurance, loans or guaranties for a project, shall not restrict its activities with respect to investment projects in Taiwan.

(b) Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans or guaranties with respect to investment projects on Taiwan, the Corporation shall apply the same criteria as those applicable in other parts of the world.

(c) Not later than five years after the date of enactment of this Act, the President shall report in writing to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives concerning the desirability of continuing this section in force in light of economic conditions prevailing on Taiwan on the date of such report.

Sec. 112. (a) The President is authorized and requested, under such terms and conditions as he determines, to extend to the instrumentality established by the people on Taiwan and the appropriate members thereof, referred to in section 108, privileges and immunities comparable to those provided to missions of foreign countries, upon the condition that privileges and immunities are extended on a reciprocal basis to the American Institute on Taiwan at not less than the level authorized herein with respect to the instrumentality referred to in section 108.

(b) The President is authorized to extend to the instrumentality established by the people on Taiwan the same number of offices and complement of personnel as previously operated in the United States by the government recognized as the Republic of China prior to January 1, 1979, upon the condition that the American Institute in Taiwan is reciprocally allowed such offices and personnel.

Sec. 113. (a) It is the policy of the United States—

(1) to maintain extensive, close, and friendly relations with the people on Taiwan;

(2) to make clear that the United States decision to establish diplomatic relations

with the People's Republic of China rests on the expectation that any resolution of the Taiwan issue will be by peaceful means;

(3) to consider any effort to resolve the Taiwan issue by other than peaceful means, including boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States; and

(4) to provide the people on Taiwan with arms of a defensive character.

(b) In order to achieve the objectives of this section—

(1) the United States will maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan;

(2) the United States will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of arms of a defensive character;

(3) the President is directed to inform the Congress promptly of any threat to the security or the social or economic system of Taiwan and any danger to the interests of the United States arising therefrom; and

(4) the United States will act to meet any danger described in paragraph (3) of this subsection in accordance with constitutional processes and procedures established by law.

Sec. 114. The President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on or before November 15 of each year a report on the status of arms sales of major defense equipment of \$7,000,000 or more or of any other defense articles or defense services for \$25,000,000 or more, which are considered eligible for approval during the fiscal year beginning on October 1 of such year and which are proposed for or requested by the people on Taiwan.

Sec. 115. Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of the people on Taiwan from continued membership in any international financial institution or any other international organization.

Sec. 116. Nothing in this Act, nor the facts of the President's action in extending diplomatic recognition to the People's Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission or department to make a finding of fact or determination of law under the Atomic Energy Act of 1954, as amended, and the Nuclear Nonproliferation Act of 1978, to deny an export license application or to revoke an existing export license or nuclear exports to the people on Taiwan.

#### TITLE II

Sec. 201. Any department or agency of the United States Government is authorized to sell, loan, or lease property, including interests therein, to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to departments and agencies under this section shall be credited to the current applicable appropriation of the department or agency concerned.

Sec. 202. Any department or agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement of services by such departments and agencies

from the Institute may be effected without regard to such laws and regulations normally applicable to the acquisition of services by such departments and agencies as the President may specify by Executive order.

Sec. 203. Any department or agency of the United States Government employing alien personnel in Taiwan is authorized to transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by law or regulation for the retirement of employees, under which such personnel were covered prior to the transfer to the Institute: *Provided*, That employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, shall be currently deposited in the system's fund or depository.

Sec. 204. (a) Under such terms and conditions as the President may direct, any department or agency of the United States Government is authorized to separate from Government service for a specified period any officer or employee of that department or agency who accepts employment with the Institute.

(b) An officer or employee separated under subsection (a) of this section shall be eligible upon termination of such employment with the Institute to reemployment or reinstatement in accordance with existing law with that department or agency or a successor agency in an appropriate position with attendant rights, privileges, and benefits which the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

(c) An officer or employee eligible for reemployment or reinstatement rights under subsection (b) of this section shall, while continuously employed by the Institute with no break in continuity of service, continue to be eligible to participate in any benefit program in which such officer or employee was covered prior to employment by the Institute, including programs for compensation for job-related death, injury or illness; for health and life insurance; for annual, sick and other statutory leave; and for retirement under any system established by law or regulation: *Provided*, That employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, shall be currently deposited in the program's or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in service or retirement from the service for the purposes of any employee or survivor benefits acquired by reason of service with a department or agency of the United States Government.

(d) Any employee of a department or agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this title for the period of such service.

Sec. 205. (a) The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 204(c) of this Act requires the imposition of taxes imposed under chapter 21 of the Internal Revenue Code of 1954, relating to the Federal Insurance Contributions Act) or by any State or local taxing authority of the United States.

(b) For purposes of the Internal Revenue

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Code of 1954, the Institute shall be treated as an organization described in sections 170 (b) (1) (A), 170 (c), 2055 (a), 2106 (a) (2) (A), 2522 (a), and 2522 (b).

(c) (1) For purposes of sections 911 and 913 of the Internal Revenue Code of 1954, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees of the Institute shall not be included in gross income, and shall be exempt from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempt from taxation under section 912 of such Code.

(2) Except to the extent required by section 204 (c) of this Act, service performed in the employ of the Institute shall not constitute employment for purposes of chapter 21 of such Code and title II of the Social Security Act.

(d) For the purpose of applying section 102 of this Act to the Internal Revenue Code of 1954, and to any regulation, ruling, decision, or other determination under such Code, the term "people on Taiwan" shall mean the governing authority on Taiwan recognized by the United States prior to January 1, 1979, as the Republic of China and its agencies, instrumentalities, and political subdivisions; except that when such term is used in a geographical sense it shall mean the islands of Taiwan and the Pescadores.

(e) The Institute shall not be an agency or instrumentality of the United States. Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempt from section 207 of title 18, United States Code.

SEC. 206. (a) The Institute may authorize any of its employees in Taiwan—

(1) to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;

(2) to act as provisional conservator of the personal estates of deceased United States citizens;

(3) to render assistance to American vessels and seamen; and

(4) to perform any other duties in keeping with the purposes of this Act and otherwise authorized by law which assist or protect the persons and property of citizens or entities of United States nationality.

(b) Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as if performed by any other person authorized to perform such acts.

## TITLE III

SEC. 301. In addition to funds otherwise available for the provisions of this Act, there are authorized to be appropriated to the Secretary of State for the fiscal year 1980 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended.

SEC. 302. The Secretary of State is authorized to use funds made available to carry out the provisions of this Act to further the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis. The Secretary may provide such funds to the Institute for expenses directly related to the provisions of this Act, including—

(1) payment of salaries and benefits to Institute employees;

(2) acquisition and maintenance of buildings and facilities necessary to the conduct of Institute business;

(3) maintenance of adequate security for Institute employees and facilities; and

(4) such other expenses as may be necessary for the effective functioning of the Institute.

SEC. 303. Any department or agency of the United States Government making funds available to the Institute in accordance with this Act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the books and records of the Institute and the opportunity to audit the operations of the Institute.

SEC. 304. The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act. Such rules and regulations shall be transmitted promptly to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such action shall not, however, relieve the Institute of the responsibilities placed upon it by this Act.

## TITLE IV

SEC. 401. (a) The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

(b) For purposes of subsection (a), the term "agreement" includes—

(1) any agreement entered into between the Institute and the Taiwan authorities or the instrumentality established by the Taiwan authorities; and

(2) any agreement entered into between the Institute and departments and agencies of the United States.

(c) Agreements and transactions made or to be made by or through the Institute shall be subject to the same congressional notification, review, and approval requirements and procedures as if such agreements were made by or through the department or agency of the United States on behalf of which the Institute is acting.

SEC. 402. During the two-year period beginning on the effective date of this Act, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, every six months, a report describing and reviewing economic relations between the United States and the people on Taiwan, noting any interference with normal commercial relations.

SEC. 403. The President shall notify the chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives thirty days prior to the issuance to the People's Republic of China of any license required under section 38 of the Arms Export Control Act.

## TITLE V—JOINT COMMISSION ON SECURITY AND COOPERATION IN EAST ASIA

SEC. 501. (a) There is established a joint congressional commission known as the Joint Commission on Security and Cooperation in East Asia (hereinafter in this title referred to as the "Joint Commission") to exist for a period of three years, which period shall begin upon the date of enactment of this Act.

(b) The Joint Commission shall monitor—

(1) the implementation of the provisions of this Act;

(2) the operation and procedures of the Institute;

(3) the legal and technical aspects of the continuing relationship between the United States and the people on Taiwan; and

(4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

(c) (1) The Joint Commission shall be com-

posed of twelve members. Of the members provided for under the preceding sentence—

(A) six shall be Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, four of whom shall be selected from the majority party, and two of whom shall be selected, upon the recommendation of the Minority Leader of the House of Representatives, from the minority party; and

(B) six shall be Members of the Senate to be appointed by the President pro tempore of the Senate, four of whom shall be selected, upon the recommendation of the Majority Leader of the Senate, from the majority party, and two of whom shall be selected, upon the recommendation of the Minority Leader of the Senate, from the minority party.

(2) In each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the Members of the House of Representatives selected under paragraph

(1) (A) as Chairman of the Joint Commission, and the President pro tempore of the Senate shall designate one of the Members of the Senate selected under paragraph (1)

(B) as Vice Chairman of the Joint Commission. In each even-numbered Congress, the President pro tempore of the Senate shall designate one of the Members of the Senate selected under paragraph (1) (B) as Chairman of the Joint Commission, and the Speaker of the House of Representatives shall designate one of the Members of the House of Representatives selected under paragraph (1) (A) as Vice Chairman of the Joint Commission.

(d) (1) Members of the Joint Commission shall serve without compensation but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Joint Commission.

(2) The Joint Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

(e) The Joint Commission may, in carrying out its duties under this title, sit and act at such times and places, hold such hearings, take such testimony, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the Chairman of the Joint Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Joint Commission, or any member designated by him, may administer oaths to any witness.

(f) (1) The Joint Commission shall prepare and transmit a semiannual report to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the President on—

(A) the progress achieved by the United States in maintaining full and unimpeded cultural, commercial, and other relations with the people on Taiwan, and

(B) the legal and technical problems arising from the maintenance of such relations, together with recommendations for legislation to resolve such problems and recommendations for strengthening such relations and for carrying out the commitment of the United States to human rights in East Asia.

(2) The Joint Commission shall provide information to Members of the House of Representatives and the Senate as requested.

(g) (1) There are authorized to be appropriated to the Joint Commission for each

fiscal year and to remain available until expended, \$550,000 to assist in meeting the expenses of the Joint Commission for the purpose of carrying out the provisions of this title. Such appropriations shall be disbursed by the Secretary of the Senate on vouchers approved by the Chairman of the Joint Commission, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

(2) For each fiscal year for which an appropriation is made the Joint Commission shall submit to the Congress a report on its expenditures under such appropriation.

(3) For purposes of section 502(b) of the Mutual Security Act of 1954, the Joint Commission shall be deemed to be a joint committee of the Congress and shall be entitled to the use of funds in accordance with the provisions of such section.

#### TITLE VI

SEC. 601. This Act shall have taken effect on January 1, 1979.

SEC. 602. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 245.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I ask that the clerk report the amendment to the title that was reported by the committee.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the title to read as follows:

A bill to promote the foreign policy of the United States by authorizing the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis, and for other purposes.

The PRESIDING OFFICER. Without objection, the title is so amended.

Mr. CHURCH. Mr. President, I ask unanimous consent that, consistent with the previous order, the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conferees will be appointed at the appropriate time, after the House bill is received.

Mr. CHURCH. I thank the Chair.

Mr. STEVENS. Mr. President, would it be possible to have a succinct explanation of the amendments that were made during the consideration of the bill, to be prepared by the staff?

Mr. CHURCH. Mr. President, in response to the question of the distinguished minority whip, I will be glad to request that the staff prepare an explanation of the amendments adopted by the Senate during the consideration of S. 245. As soon as that explanation is prepared, I will see that it is included in the Record.

Mr. JAVITS. It will be prepared, I assume, in concert with us on the minority side.

Mr. CHURCH. Of course.

Mr. STEVENS. I thank the Senator from New York and the Senator from Idaho.

#### ARRIVAL OF THE PRESIDENT AT ANDREWS AIR FORCE BASE

Mr. ROBERT C. BYRD. Mr. President, buses will depart the Senate steps at 11:30 p.m. this evening to go to Andrews Air Force Base. The President is scheduled to arrive at Andrews at 12:45 a.m. tomorrow. Buses will depart Andrews immediately after the President departs by helicopter for the White House. The buses will return to the Senate steps.

#### DISAPPROVAL OF PROPOSED BUDGET DEFERRAL

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Calendar No. 39, Senate Resolution 50, which will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 50) disapproving the proposed deferral of budget authority to promote and develop fishery products and research pertaining to American fisheries.

The Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, may we have order in the Senate? The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Mr. President, I ask the majority leader if he has asked unanimous consent that the Senate proceed to the consideration of the bill.

Mr. ROBERT C. BYRD. That has been done, and the matter is before the Senate.

I ask the distinguished chairman of the Appropriations Committee, for the benefit of other Senators, if he anticipates any rollcall vote on this measure tonight.

Mr. MAGNUSON. No, I do not.

Mr. ROBERT C. BYRD. Does anyone else?

I see no indication of such, so I will state, Mr. President, that there will be no further rollcall votes today.

Mr. MAGNUSON. Mr. President, Senate Resolution 50 deals with a deferral of the budget authority relating to NOAA, the National Oceanographic and Atmospheric Administration.

The Appropriations Committee voted unanimously to reject the deferral of Saltonstall-Kennedy funds for American fisheries development research. This is money that is collected under the Saltonstall-Kennedy Act of 1954, which I believe is familiar to most Senators.

Under the Budget Act, one House can reject the deferral and add the money. In this case, it is \$12 million that must be released. This promotes and develops fishery products and research in the United States.

I strongly recommend the adoption of the resolution.

Mr. HOLLINGS. Mr. President, in October 1978, OMB deferred \$12,060,000 from the Saltonstall-Kennedy reserve fund for fiscal year 1979. Presently, \$6,579,000 of Saltonstall-Kennedy funds are still being deferred. Approximately 21 fisheries development projects across the nation are not being funded, because of the deferral. These programs are designed to help American fishermen develop new techniques for harvesting and processing, and to develop new and underutilized fisheries.

American fishermen need our assistance if they are to compete effectively with foreign fishermen in our 200-mile fishing zone. As a cosponsor of Senate Resolution 50, I urge the Senate to vote favorably on it.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. KENNEDY. Mr. President, I commend the chairman, Mr. MAGNUSON, for the strong support he gave to our resolution in the committee and for the strong support we received from all the members of the committee. I understand that there was a unanimous vote in committee. I believe this was as a result of the knowledge and understanding of the importance of these limited, but very important resources, to the development of our fisheries.

Even though it is a small amount of money, it has had an enormous impact in assisting fisheries in the East—in my own State of Massachusetts as well as all of New England—and on the west coast. It relates to legislation that was originally sponsored by then Senators John Kennedy and Leverett Saltonstall.

It has been a small but vital resource to help our fishing industry. I think the results from these limited resources will be benefits many times over in terms of budget, in terms of tax revenues, and in terms of supporting an extremely important and vital industry.

I congratulate the Senator from Washington and thank him for the strong leadership he has shown in this matter.

Mr. MAGNUSON. I point out to the Senator from Massachusetts that these are funds that are collected from custom duties on imported fishery products, and they are supposed to be used for research and development of the American fishing industry. I do not know why the administration made this deferral. I cannot understand it. These are funds that are supposed to be expended. It has nothing to do with taxation or the budget or things of that kind. The funds are supposed to be expended. The deferral of this money has held up many important development projects across the country, including projects to utilize domestic species in Puget Sound and to develop underutilized species in Alaskan waters.

Mr. KENNEDY. Mr. President, I would like to address one brief inquiry to my friend and colleague from the State of Washington.

I understand the administration intends to abolish this fund for the next fiscal year. I hope with this unanimous vote in the Senate it will be a very clear indication of the strong sense of support